



**CITY OF ALAMO HEIGHTS**  
**COMMUNITY DEVELOPMENT SERVICES DEPARTMENT**  
**6116 BROADWAY**  
**SAN ANTONIO, TX 78209**  
**210-826-0516**

**Board of Adjustment Meeting**  
**Wednesday, January 05, 2022 – 5:30 P.M.**

Take notice that a Regular City Council Meeting of the Board of Adjustment of the City of Alamo Heights will be held on **Wednesday, January 05, 2022, at 5:30pm** in the City Council Chamber, located at 6116 Broadway, San Antonio, Texas, 78209, to consider and act upon any lawful subjects which may come before it. **Per Governor's Order GQ-36, attendees are not required to wear facial covering (mask) but they are encouraged. The City will continue to practice social distancing, and seating will be limited to capacity limits.**

**INSTRUCTIONS FOR TELECONFERENCE:** Members of the may also participate via audio by dialing is +1 346-248-7799 Meeting ID 893 9488 9735. If you would like to speak on a particular item, when the item is considered, press \*9 to "raise your hand". Citizens will have three (3) minutes to share their comments. The meeting will be recorded.

**Case No. 2354 – 111, 119, 131, 133 & 135 Katherine Ct**

Application of Mr. C. Trebes Sasser, Jr. of Ridgemont Properties, Inc. and Kris Feldmann of CREO Architecture, representing Harrigan Ltd, owner, requesting the following variance(s) in order to construct a new three-story multi-family structure with accessory structure(s) at the properties located at **CB 5600, BLK 2, LOTS 46.66ft of 24, all of 25-27, and W 25ft of 28** also known as 111, 119, and 131 Katherine Ct, zoned MF-D (Multi-Family District) and **CB 5600, BLK 2, LOT 29 and E 25ft of 28** also known as 133 & 135 Katherine Ct, zoned MF-D (Multi-Family District):

1. The proposed thirty-five (35) units exceed the maximum twenty-seven (27) units allowed per Section 3-42(4),
2. The proposed fifty-one (51) parking spaces is less than the minimum sixty-two and one-half (62.5) spaces required per Section 3-49(3),
3. A proposed three (3) foot landscaping buffer at the rear of the property instead of the minimum eight (8) feet required per Section 3-49(4)(a) and 3-50(1),
4. The proposed wall/planter/brick faced site wall exceeds the maximum 3ft height measured from the lower side of the fence, wall or other barrier allowed per Section 3-81(7),
5. A proposed aisle width of twenty-two (22) feet six (6) inches instead of the minimum twenty-four (24) feet required for a 90-degree parking angle with two-way traffic and 60ft section width per Section 3-84(2)(a) and Section 3-84(2)(b) of the City's Zoning Code.

Plans may be viewed online\* ([www.alamoheightstx.gov/departments/planning-and-development-services/public-notices](http://www.alamoheightstx.gov/departments/planning-and-development-services/public-notices)) and at the Community Development Services Department located at 6116 Broadway St. You may also contact Lety Hernandez ([lhernandez@alamoheightstx.gov](mailto:lhernandez@alamoheightstx.gov)), or our office at (210) 826-0516 for additional information regarding this case. Please note floor plans will not be available online.

December 20, 2021

Ms. Lety Hernandez  
Community Development Services Director  
City of Alamo Heights, Texas  
6116 Broadway  
San Antonio, Texas 78209

**RE: VARIANCE REQUEST** to Allow for Four (4) Variances on that Certain Property Generally Located at 111 Katherine Court and 135 Katherine Court, in the City of Alamo Heights ("City"), Bexar County ("County"), Texas ("State").

Dear Ms. Hernandez:

Please accept this application for consideration by the Board of Adjustment of certain variances for the above-referenced property (the "Subject Property")<sup>1</sup>, submitted by Trebes Sasser Jr. of Ridgemont Properties and Kris Feldman of Creo Architecture, on behalf of the owner of the Subject Property, Harrigan, Ltd. (the "Property Owner"). The Subject Property consists of six (6) platted lots, further described as two (2) Bexar County Appraisal District Tax Parcels, totaling approximately 1.0217 acres: (1) a 0.2583-acre tract (County Property ID No. 347544) located at 135 Katherine Court;<sup>2</sup> and (2) a 0.7634-acre tract (County Property ID No. 347541) located at 111 Katherine Court.<sup>3</sup> The Subject Property is currently being replatted into one (1) lot pursuant to the replat establishing Lot 43, Block 2 of the Country Club Heights Subdivision.<sup>4</sup> The Property Owner is proposing to re-develop the Subject Property as a luxury multifamily community with a total of thirty-five (35) residential units, significant landscaping and open space, individual and shared courtyards, and a total of fifty-one (51) off-street parking spaces (the "Project"). The purpose of this correspondence (and the attached variance application) is to request approval of five (5) variances from the Code of Ordinances, City of Alamo Heights, Texas (hereinafter, the "City Code") that would allow for the development of the Project on the Subject Property.<sup>5</sup> More specifically, on behalf of the Property Owner, we are respectfully requesting the following variances, all of which serve the public interest and spirit and intent of the City Code, and which are necessary due to special conditions existing that create an unnecessary hardship:

- 1) A variance from City Code Section 3-42(4) to allow for additional units up to a total of thirty-five (35) multi-family units;<sup>6</sup>

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<sup>1</sup> See **Exhibit A** for aerial exhibit of Subject Property.

<sup>2</sup> Owned by Harrigan, Ltd (current deed recorded as Document No. 20140021781 in the Bexar County Deed and Plat Records), with the following legal description – CB 5600 Blk 2 Lot 29 & E ½ of 28 (former addresses include 133 and 135 Katherine Court). See **Exhibit B** for Bexar County Appraisal District ("BCAD") information and **Exhibit C** for Deed information.

<sup>3</sup> Owned by Harrigan, Ltd. (current deed recorded as Document No. 20070062095 in the Bexar County Deed and Plat Records), with the following legal description – CB 5600 Blk 2 Lot 24A, 25-27 & W ½ of 28 (former addresses include 111, 119, and 131 Katherine Court). See **Exhibit D** for BCAD information and **Exhibit E** for Deed information.

<sup>4</sup> See **Exhibit D** for draft replat of the Subject Property.

<sup>5</sup> See **Exhibit G** for Variance Application (as well as the other documentation required for such application).

<sup>6</sup> See **Exhibit H** for City Code Section 3-42(4) (Lot Area) (requiring a maximum of twenty-seven (27) units for the Project, i.e. a variance of eight (8) units).

- 2) A variance from City Code Section 3-49(3) to allow for a minimum of fifty-one (51) off-street parking spaces;<sup>7</sup>
- 3) A variance from City Code Sections 3-49(4)(a) *and* Section 3-50(1) to allow for a variable width landscape buffer abutting parking areas<sup>8</sup> and along the rear of the Subject Property<sup>9</sup> of no less than three feet (3') in width.
- 4) A variance from City Code Section 3-84(2)(a) and (b) to allow a proposed aisle width of 22 feet-6 inches instead of the 24 foot wide requirement (i.e. a two foot (2') and six inch (6") variance) for 90-degree parking angle with two-way traffic and 60ft section width;<sup>10</sup>

The above variances are collectively referred to herein as the "Variance Request". The below information provides additional detail regarding the Subject Property and the Project, and more importantly, provides information supporting approval of the Variance Request, as such approval "will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the [City Code] will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done."<sup>11</sup>

## 1. **BACKGROUND**

### **A. Existing Conditions on Subject Property**

The Subject Property is located on the western end of Katherine Court, near a major intersection, east of Broadway Street behind/near the commercial corridor with several commercial developments and shopping centers abutting, or in close proximity to, the Subject Property. These nearby uses include a fast-food restaurant with drive-thru abutting the rear of the Subject Property, a commercially-zoned property abutting the Subject Property to the west (housing for the Sisters of Charity of Incarnate Word), a multifamily-zoned townhouse development abutting the Subject Property to the east, and a bank with drive-thru lanes across Katherine Court from the Subject Property. Incarnate Word University is located directly across Broadway from Katherine Court and the Subject Property. Additionally, the Subject Property is located on a street, and within an area, entirely zoned for multifamily or commercial uses, with a mix of commercial, multifamily and mixed residential uses – commonly referred to as the multifamily district of the City. The nearest single-family-zoned property to the Subject Property is located approximately 800 feet away in a straight line, across Broadway and north of the University and Central Market grocery store. The Subject Property, along with most of the street/area (with the exception of commercially zoned properties near Broadway), is currently zoned as "MF-D" (Multi-Family Dwelling District)<sup>12</sup> and was developed decades ago with

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<sup>7</sup> See **Exhibit IA** for City Code Section 3-49(3) (Required Off-Street Parking) (requiring a minimum of 62.5 off-street parking spaces for the Project, i.e. a variance of 11.5 off-street parking spaces).

<sup>8</sup> See **Exhibit IA** for City Code Section 3-49(4)(a), requiring a minimum eight foot (8') landscape buffer abutting parking areas, i.e. a variance up to five feet (5') to allow for a landscape buffer no less than three feet (3') wide.

<sup>9</sup> See **Exhibit IB** for City Code Section 3-50(1) (requiring a minimum of eight feet (8')).

<sup>10</sup> See **Exhibit IC** for City Code Section 3-84(2).

<sup>11</sup> City Code Section 2-47(b)(3).

<sup>12</sup> See **Exhibit J** for City Zoning Map.

multiple multifamily structures.<sup>13</sup> The existing structures consist of at least five (5) separate, non-cohesive buildings and configurations with aging façade, landscaping, parking, and sidewalks. The primary and historical use of the Subject Property included approximately fifteen (15) multifamily units, consisting of seven 2-bedroom and eight 1-bedroom units (a total of 22 bedrooms) with an approximate \$844 monthly rental average and 20 off-street parking spaces (less than one parking space per bedroom). Lastly, the Subject Property presents several development challenges due to the site's unique, special conditions such as its proximity to a major thoroughfare and the above-described uses, including commercial and a university campus, challenging topography (including a drop in elevation of approximately 13 feet from the rear to the front of the Subject Property), and four feet (4') of existing driveway located on the Subject Property but used by, and provided by the Property Owner to, the Incarnate Word Sisters at 107 Katherine Court (collectively, the "Special Conditions"). As such, the foregoing development challenges need to be addressed with any new development on the Subject Property.

## **B. Redevelopment of Subject Property for Project**

### *i. Project Details*

The Property Owner is proposing to redevelop the Subject Property for the Project, which is consistent and compatible with the surrounding properties, overall area and existing zoning designations for the area.<sup>14</sup> The Project is a use permitted-by-right under the Subject Property's current "MF-D" zoning district and will include one (1) three-story structure (approximately 35-feet in height) for a luxury multi-family community of up to thirty-five (35) residential units with a front (shared) courtyard, private rear courtyards, front entryways and walkways, social outdoor space, and renewed/enhanced landscaping (e.g. new native trees and new planting beds throughout, including along the street frontage to enhance street character). Such units will consist of approximately eleven (11) two-bedroom units and twenty-four (24) one-bedroom units. It is important to note that the current zoning for the Subject Property allows for up to twenty-seven (27) units by-right, without any limitation on the number of bedrooms or beds (i.e. residents) within a given unit. Parking for the Project includes fifty-one (51) off-street covered and screened parking spaces, with an additional ten (10) anticipated on-street parking spaces (if approved by the City, the cumulative total parking spaces provided will equal sixty-one (61) parking spaces, although the on-street parking spaces may be utilized by any City resident or visitor). The covered off-street parking will be located primarily to the rear of the Project and will be entirely screened from view from the right-of-way and adjacent properties. The anticipated on-street parking will be integrated into the configuration of the Project with a curb-cut to allow for parallel parking out of the main right-of-way (arguably, "off-street," with existing street clearance remaining unchanged

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<sup>13</sup> City Code Section 3-2 (*Dwelling, multiple-family*). Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home residence of three (3) or more families.).

<sup>14</sup> See **Exhibit K** for Project exhibit and plans.



and an alleviation of parallel parking “in” the right-of-way – providing benefits to the area in terms of additional parking, safety and congestion, among others).

The Project will provide a unified development design and configuration that is thoughtfully cohesive for the neighborhood and that complements (and adds to) the variety of types and styles in the neighborhood. Similar to the other structures in the neighborhood, the Project includes integrated, covered parking towards the rear of the lot, a front courtyard, and front entryways and walkways. The Project improves the native landscaping, walkability, parking, safety, and hospitality of the neighborhood, revitalizing some of the stagnant development of the surrounding community. Furthermore, the Project is a more suitable development for such close proximity to the commercial corridor and provides a transition into a less intense multi-family neighborhood. Additionally, the proposed Project will result in less bedrooms and beds, i.e. residents, than what could be developed without this Variance Request and pursuant to current zoning. In short, the Project is consistent with the purpose,<sup>15</sup> variety,<sup>16</sup> character,<sup>17</sup> and public realm<sup>18</sup> components of the City’s “MF-D” zoning district.

ii. *Purpose of Variance Request*

The purpose of the Variance Request is not to authorize the proposed multi-family use, as the use of the Subject Property for the Project is authorized by law (as stated above). The purpose of the Variance Request is to grant a variance from the literal enforcement of the “MF-D” design requirements due to the Special Conditions on the Subject Property (among others discussed below).

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<sup>15</sup> City Code Section 3-40(a) (“Purpose”): The multi-family zoning standards provide for a mix of multi-family types and style of development intended to reinforce the neighborhood and small town character desired by Alamo Heights residents. The standards permit multi-family buildings of two (2) to four (4) stories in height, depending on location, and require mixed uses along Broadway south of Albany Street in order to encourage pedestrian traffic and extended visits that are essential to a vibrant mix of retail, service and hospitality businesses. (*emphasis added*)

<sup>16</sup> City Code Section 3-40(b) (“Variety”): The standards are intended to allow a variety of desirable multi-family housing types as illustrated in the comprehensive plan adopted on May 26, 2009, including: duplex/triplex/quadplex and larger apartment buildings; attached townhouses; bungalow courts with attached or detached dwellings located around a central garden; courtyard housing with attached dwellings around a central linear walk; and garden walk or lane housing with detached or townhouse dwellings facing a well-landscaped central walk or winding car lane. (*emphasis added*)

<sup>17</sup> City Code Section 3-40(c) (“Character”): The multi-family zoning standards envision multi-family dwellings that are compatible with and reinforce the best design characteristics of Alamo Heights. Such characteristics include front doors and main entries that face the street (or common landscaped areas); front facades that mimic surrounding properties in scale, massing and articulation; building setbacks that respect traditional neighborhood or downtown street patterns; and off-street parking that is located to the rear (or underground), in open spaces or carports or garages, and hidden from (or not prominent in) street views. (*emphasis added*)

<sup>18</sup> City Code Section 3-40(d) (“Public Realm”): The multi-family zoning standards are intended to promote a walkable, safe and pedestrian-friendly community. The standards require ample sidewalks, generous planting strips (or tree wells) located between the curb and the sidewalk, and regularly spaced, native canopy trees in the planting strips or tree grates. The standards are designed to promote water conservation and mitigate the effects of noise, dust, artificial lighting intrusions and “heat islands” in developed areas. (*emphasis added*)

The Special Conditions were not the result of actions taken by the Property Owner. In other words, the Special Conditions exist on the Subject Property, not because of any fault of the Property Owner, but due to specific features unique to the Subject Property and not common among other properties. Therefore, the Special Conditions hinder the development of the Subject Property (including the Project and off-street parking) and present several development challenges. Moreover, the Special Conditions, particularly the existing zoning and proximity to commercial and university campus uses, create a hardship on the Property Owner, neighboring property owners and the City as a whole: Specifically, should strict compliance with the City Code be required, it would likely force development of a project of much lower quality, with not only a greater number of residents/tenants, but a tenant demographic likely consisting of young students attending the nearby university (or desiring to live near a university and engaging in college-type activities). As a result, the Variance Request is required for the development of the Project and approval of the Variance Request benefits nearby properties, the City and City residents.

Additionally, other unique conditions exist due to the location and features of the Subject Property:

a. In order to limit the “density” on the Subject Property, an increase of one-bedroom units is required. The City Code authorizes twenty-seven (27) units on the Subject Property with no limit on size of units or number of beds therein. For instance, if all such units were two-bedrooms, the density would equal fifty-four (54) potential beds, or to accommodate the college-type tenant a potential for four (4) beds (or more) per unit, equaling a density of one-hundred and eight (108) beds/residents on the Subject Property. Therefore, more one-bedroom units are proposed: eleven (11) two-bedroom units and twenty-four (24) one-bedroom units, equaling forty-six (46) potential beds/residents;

b. With less density, as described in a. above, less vehicular traffic is created and the number of parking spaces needed is lessened as well. Traffic studies prepared for the Project indicate that an increase of only seven (7) Peak Hour Trips will result from redevelopment of the Subject Property for the Project, and the number of off-street parking spaces increases from the existing ratio of less than one per bedroom to over one per bedroom. The location and design of the Project will encourage pedestrian traffic and walkability, by providing an inviting and safe streetscape and sidewalk with grocery, restaurant and retail all within walking distance;

c. An eight-foot (8’) buffer zone was provided on the northwest corner of the Subject Property to satisfy landscaping requirements and to accommodate for conflicting City Code provisions and site constraints; and

d. Increased site access for the Fire Department was required for the Subject Property (with Fire Department’s review and input) and the Project will include safer building standards than the existing structures (e.g. fully sprinkled with modern electrical updates).

In short, the variances requested allow for a project that is significantly less-impactful to the neighborhood in terms of traffic, parking needs, population and demand on city services, with

a positive impact on the neighborhood in terms of streetscape appearance, reliance on water usage and city services, and quality of tenants.

### C. Project Consistent with City's Comprehensive Plan

In May 2009, the City adopted its current "Comprehensive Plan," which provides a roadmap for future development in the City.<sup>19</sup> The Comprehensive Plan is not a mandate and does not set out strict requirements for development, but instead, provides a *guide* for new development (both in design and location) that the City considers to be the desired vision for the future of the City.<sup>20</sup> The Comprehensive Plan describes the Subject Property as a Multi-Family District ("MFD") Transition Zone, which is the most intense multi-family district located between the commercial corridor and the other MFD neighborhood,<sup>21</sup> "intended to allow higher intensities to 'soak into' the neighborhood fabric a bit more deeply on the east side of Broadway [Street] than would be allowed on the west side."<sup>22</sup> Additionally, some of the proposed standards for the MFD Transition Zone scale, massing, and building types include, but is not limited to, "Rowhouses with either house-form or block-form massing..." and "...larger, more boxy masses that relate to scale to the mixed-use buildings in the Commercial Corridor Zone ..."<sup>23</sup> The Project satisfies (or, in the minimum, aligns with the intent of) such MFD Transition Zone descriptions, stated in the Comprehensive Plan, and is similar (both in design and parking) to an illustration presented under "Rowhouses."<sup>24</sup> Therefore, not only is the Project use permitted-by-right on the Subject Property, as stated above, but is, also, the type of Project and design envisioned by the City for the Subject Property. Granting the Variance Request will allow for the Project to be developed on the Subject Property, and moreover, will be consistent with the spirit and intent of the Comprehensive Plan (as well as the character of the area/neighborhood and provisions of the City Code, as discussed in more detail below).

## 2. STATE LAW AND CITY CODE SUPPORT VARIANCE APPROVAL

State law enables a Board of Adjustment ("BOA") to grant variances from municipal zoning requirements under certain circumstances.<sup>25</sup> The City Code mirrors the statutory language

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<sup>19</sup> A full copy of the City's 2009 Comprehensive Plan can be found at: <https://www.alamoheightstx.gov/about/citys-comprehensive-plan/> and is incorporated herein by reference.

<sup>20</sup> See Exhibit L for the adopted purpose ("The Purpose") of the Comprehensive Plan; note that the City Code controls.

<sup>21</sup> See Exhibit M for the MFD Zones map of the Comprehensive Plan.

<sup>22</sup> See Exhibit N for the MFD Transition Zone description of the Comprehensive Plan.

<sup>23</sup> See *id.*

<sup>24</sup> See Exhibit O for the Rowhouses description and illustrations; compare Exhibit O, with Exhibit K.

<sup>25</sup> Tex. Loc. Gov't Code Section 211.009(a)(3) ("The board of adjustment may: ... authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done...").

providing such authority to the City's BOA to grant variances like the Variance Request.<sup>26</sup> The circumstances under which a variance may be granted are enumerated as follows: (1) Special Conditions Exist on the Subject Property; (2) A Literal Enforcement of the City Code Will Result in Unnecessary Hardship; (3) Granting the Variance Request Will Not Be Contrary to the Public Interest; (4) The Public Convenience and Welfare Will Be Substantially Served and the Appropriate Use of the Neighboring Property Will Not Be Substantially or Permanently Injured; and (5) The Spirit of the City Code Will Be Observed and Substantial Justice Done. The circumstances surrounding the Subject Property and the Project warrant approval of the Variance Request under State law and City Code.<sup>27</sup> Therefore, we are providing the following information in order to address the findings of fact necessary for the City's BOA to grant the Variance Request:

i. *Special Conditions Exist on the Subject Property*

The Variance Request is due to Special Conditions existing on the Subject Property.<sup>28</sup> The Special Conditions such as the existing multifamily zoning for the area, commercial zoning and uses abutting the Subject Property and in close proximity along Broadway, as well as the nearby university campus, were not created by the Property Owner, are not merely financial, and are not due to or the result of the general or common conditions in the MF-D zoning district in which the Subject Property is located. Likewise with the four feet (4') of driveway on the western portion of the Subject Property being provided to the Incarnate Word Sisters on the adjacent property. The Special Conditions need to be addressed with any new development on the Subject Property (with current building safety standards). As such, the plight of the Property Owner is undeniably due to the above-referenced unique, oppressive, and extenuating Special Conditions of the Subject Property's physical attributes in relation to every other development within the Alamo Heights community. It is not merely financial, nor unreasonable, for the Property Owner to be able to utilize the Subject Property to its fullest (and safest, most-beneficial and least impactful) extent, including one (1) unified development and configuration on the (replatted) Subject Property, instead of several separate structures and individual developments, and/or one with the number of bedrooms and beds maximized. Granting of the Variance Request does not serve as a financial benefit to the Property Owner, but serves the development challenges unique

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<sup>26</sup> City Code Section 2-47(b): When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the board of adjustment may in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, have the following powers: ... (3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

<sup>27</sup> *Sumner v. Board of Adjustments of the City of Spring Valley Village* (App. 1 Dist. 2015) 2015 WL 6163066, Unreported, rule 53.7(f) motion granted, petition for review filed, review denied, rehearing of petition for review filed, rehearing of petition for review denied ("Evidence was sufficient to support zoning board of adjustment's decision to grant homeowners a building setback ordinance variance; evidence demonstrated that literal enforcement of building setback ordinance would have resulted in unnecessary and unique hardship to homeowners, that special condition existed on homeowners' property, and that variance was not inconsistent with either public interest or spirit of city ordinances.").

<sup>28</sup> See Exhibit K.

to the Subject Property as a result of the Special Conditions.<sup>29</sup>

ii. *A Literal Enforcement of the City Code Will Result in Unnecessary Hardship*

The literal enforcement of the City Code will result in an unnecessary hardship. Should the City determine that the Subject Property is subject to the literal enforcement of the City Code lot area/unit requirements and the off-street parking requirements, an unnecessary hardship would result as the Property Owner would have to utilize more impervious cover, disturb the ground by significant grading to accommodate topography challenges, and construct a project addressing the demand for college-student housing, i.e. one with more bedrooms and beds than what is proposed (which further inhibits the Property Owner's ability and right to make reasonable (and cohesive) use of the entire Subject Property, on which they pay taxes). Moreover, a literal enforcement of the City Code provisions subject to the Variance Request would result in a dramatically reduced buildable area: Specifically, literal enforcement would increase the width of landscape buffers and drive aisles and require additional parking spaces – which do not serve any necessary purpose – thus shrinking the buildable area and eliminating the carefully-designed building articulation, increased/variable front setbacks, amount of landscaping and other beneficial Project components. As the Variance Request is not contrary to the public interest and does not negatively impact any of the surrounding residents or uses (certainly not more than a development without the requested variances), literal enforcement of the City Code would result in an undue hardship on the Property Owner and the Property Owner only. Without approval of the Variance Request, the Special Conditions unnecessarily hinder the Property Owner's ability and right to utilize and enjoy the Subject Property to its full extent.<sup>30</sup> Moreover, without approval of the Variance Request, the overall City and its residents would be unnecessarily hindered by the potential for development of a project of significantly lower quality and more residents, including the negative impact such would have on city services and nearby residents. This negative impact includes the loss of building articulation, increased/variable front building setbacks, increased landscape along the street and other thoughtful design features.

Furthermore, effective September 1, 2021, the Texas Local Government Code Section 211.009 was amended to authorize the BOA “in exercising its authority ... to consider the following as grounds to determine whether compliance with the [City Code] as applied to a structure ... would result in unnecessary hardship: (1) the financial cost of compliance is greater

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<sup>29</sup> *Schreiber v. Board of Adjustment of City of Fort Worth*, 2018 WL 360427, 7 (2018) (*internal quotations and citations omitted*) (“The Schusters respond that the hardship arose from conditions unique to the Schusters' property - the unusual shape of the Schusters' lot[s], the utility easement on the property, and the flood plain covering the rear 40 feet — as well as the hardship created by mistakenly issued permits. These conditions contributed to the hardship leading to the setback violation and belie the appellants' argument that the hardship was personal in nature. This evidence was probative and constituted some evidence that the enforcement of the setback ordinance would create an unnecessary hardship or practical difficulty in developing lots A and B, which was unique to lots A and B and was not self-imposed.”).

<sup>30</sup> *Ferris v. City of Austin* (App. 3 Dist. 2004) 150 S.W.3d 514 (“Whether a hardship exists as result of enforcement of zoning laws in manner as to warrant a variance therefrom is a question of fact for the zoning board. *City Of Alamo Heights v. Boyar* (App. 4 Dist. 2005) 158 S.W.3d 545. Evidence that the design for property would have some ancillary public benefit strengthens the equitable considerations before the board of adjustment considering a zoning variation, but cannot form the sole basis for finding a hardship.”).



than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section [26.01](#), Tax Code; (2) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur; (3) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement; (4) compliance would result in the unreasonable encroachment on an adjacent property or easement; or (5) the municipality considers the structure to be a nonconforming structure. In this case, numbers 1, 2 3 and 4 could potentially apply to the Variance Request and constitute additional grounds for the BOA to determine that an unnecessary hardship would result without approval of the Variance Request. Although the cost of compliance or percentage of developable area cannot be determined with exact certainty, clearly the cost of compliance is an unreasonable burden and the loss of developable/buildable area is dramatically reduced as described above. Additionally, strict compliance would result in the unreasonable encroachment of the four foot (4') driveway benefiting the adjacent residence occupied by the group of Sisters, further burdening the Property Owner. In other words, the BOA has significant justification – well beyond the minimum required – for approving the Variance Request.

iii. *Granting the Variance Request Will Not Be Contrary to the Public Interest*

Granting the Variance Request will not be contrary to the public interest.<sup>31</sup> The Subject Property has been developed for multi-family uses for decades. The proposed Project does not change the established use on the Subject Property or the area. However, with new development, the Subject Property and surrounding community, will gain many improvements such as new landscaping, better covered and screened parking, public right-of-way improvements with the curb cut for alleviating on-street parking, new façade, new walkable entryways and walkways. Additionally, the proposed Project offers less density (i.e. potential beds) than what could otherwise be developed on the Subject Property, resulting in lesser impact on traffic and demand on city services, and is the appropriate type of Project to act as a transition between the commercial corridor and the remaining neighborhood to the east. The Project will also provide safer building standards (and Fire Department access) than the existing structures. Overall, the various aspects and improved aesthetics of the proposed Project increases and supports the community's safety, quality of life, welfare, and public interest. Granting the Variance Request will not negatively impact the interests, privacy, or enjoyment of the public or, more specifically, any of the surrounding residents. Therefore, the Variance Request is not contrary to the public interest.

iv. *The Public Convenience and Welfare Will Be Substantially Served and the Appropriate Use of the Neighboring Property Will Not Be Substantially or Permanently Injured*

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<sup>31</sup> Cf. *Town of South Padre Island Texas ex rel. Bd. of Adjustment v. Cantu* (App. 13 Dist. 2001) 52 S.W.3d 287 (“Zoning variance requested by homeowners did not adversely affect public interest, although part of house would project more than 20 inches over setback line; house would still be 10 feet from nearest utility line, neighbors supported variance, and evidence showed that failure to grant variance would make general area less attractive.”).



For the reasons stated in *iii.* immediately above, it is our strict contention that the Variance Request presents no harm, hindrance nor substantive injury to the continuation of use or essential character of any adjacent or surrounding residence in the community. As thoroughly established herein, the essential character of the Subject Property's (and entire block/area) MF-D zoning district is multi-family near commercial development. The proposed Project is consistent with the Subject Property's current use and character and suitable for the surrounding developments.<sup>32</sup> This is supported by the City's Comprehensive Plan for the Subject Property. As such, granting the Variance Request will substantially aid in serving the public convenience and welfare, but will not substantially or permanently injure the appropriate use of the neighboring property. In fact, granting the Variance Request will, actually, help continue the character on the Subject Property and tie it into the community as a whole (i.e. a multi-family development with a front courtyard, native landscaping, front entryways and walkways, and rear covered parking) in addition to increasing the property values of the neighborhood. Again, the Variance Request allows for a project that creates a significantly lower impact on traffic and demand on city services such as garbage, water usage and police and fire protection, among others. Lastly, the Variance Request is strictly limited to the Subject Property. Granting the Variance Request will not set a precedent for other MF-D properties (due to the Special Conditions that exist in this case) nor will it authorize the operation of a use other than those uses specifically authorized for the MF-D zoning district in which the Subject Property is located.

v. *The Spirit of the City Code Will Be Observed and Substantial Justice Done*

By granting the Variance Request, the spirit of the City Code will be observed and substantial justice will be done. The purpose of City Code is first and foremost to promote the public health, safety, morals or general welfare, all of which will be supported by the Variance Request, as discussed herein, and specifically, in *iii.* and *iv.* immediately above.<sup>33</sup> Moreover, as stated above, the Project is consistent with the purpose, variety, character, and public realm components of the City's "MF-D" zoning district. The language of such components is not restrictive, but provides a general framework for multi-family development like the Project and includes examples; the language does not state "shall" or "only" or any other words of limitation. In comparison with the language, the Project reflects the spirit and intent of the City Code (*see* FNs 10-13 and Section 1(B)(i)). Part of the spirit and intent of the City Code is to provide for less density/number of people on a given property and to provide adequate parking, both of which are met by the approval of the Variance Request. Therefore, the spirit of the City Code (and the City's Comprehensive Plan, discussed in Section 1(C) above) will be observed and substantial justice done by granting the Variance Request.

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<sup>32</sup> *Schreiber v. Board of Adjustment of City of Fort Worth*, 2018 WL 360427, 8 (2018) (*internal quotations and citations omitted*) ("... relying on evidence of the varying setbacks in the immediate area, that their requested variance would enable development that is completely consistent and compatible with other development in the neighborhood and would have no adverse impact whatsoever on anyone. This was some evidence supporting the Board's decision on this factor.").

<sup>33</sup> City Code Section 3-1 ("Purpose and intent"): The zoning regulations and the districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and for the protection and preservation of places and areas of historical and cultural importance and significance, or for the general welfare of the city ...

### 3. CASE LAW SUPPORTS VARIANCE APPROVAL

Case law supports granting the Variance Request. The following excerpts quoted from case law explain the standard of review and level of evidence required for approval (*which we have demonstrated herein*).

“When faced with request for a variance, it is the duty of a zoning board of adjustment to determine whether literal application of the zoning ordinance to the particular piece of property would be unreasonable in light of the general statutory purpose to secure reasonable zoning; the reasonableness test is viewed in light of the practical difficulty of applying the ordinance to the property in question.” *Currey v. Kimple* (Civ.App. 1978) 577 S.W.2d 508, ref. n.r.e. (*internal quotations and citations omitted*). “A board does not abuse its discretion if it bases its decision on conflicting evidence and some evidence supports its decision.” *City of San Antonio Bd. of Adjustment v. Reilly*, 429 S.W.3d 707, 716 (Tex. App. 2014) (*internal quotations and citations omitted*). “A legal presumption exists in favor of the Board's decision, whether that decision was to grant or to deny the variance request, which should be upheld on any possible theory of law regardless of the reasons assigned by the Board in reaching its decision.” *Schreiber v. Board of Adjustment of City of Fort Worth*, 2018 WL 360427, 5-6 (2018) (*internal quotations and citations omitted*). “... [T]he party attacking [the board's decision] ... bears the burden of establishing that the board clearly abused its discretion. To establish that the board's decision is illegal, the party attacking it must present a very clear showing of abuse of discretion. A board abuses its discretion when it acts without reference to any guiding rules or principles, or when it clearly fails to analyze or apply the law correctly.”<sup>34</sup> It is not an abuse of discretion for the board to base its decision on conflicting evidence. And, as long as *some* evidence of substantive and probative character supports the board's decision, there is no abuse of discretion.”<sup>35</sup> *City of San Antonio Bd. of Adjustment v. Reilly*, 429 S.W.3d 707, 711 (Tex. App. 2014) (*internal quotations and citations omitted*) (*emphasis added*).

We have presented evidence herein which satisfies the provisions in the City's Comprehensive Plan, State law, and the City Code, and significant guiding principles and rules

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<sup>34</sup> *Schreiber v. Board of Adjustment of City of Fort Worth*, 2018 WL 360427, 5-6 (2018) (*internal quotations and citations omitted*) (“... [T]he appellants [bear] the burden to establish that the Board could only have reasonably reached one decision.”).

<sup>35</sup> *Schreiber v. Board of Adjustment of City of Fort Worth*, 2018 WL 360427, 5-6 (2018) (*internal quotations and citations omitted*) (“... [t]he trial court could not re-examine the weight or persuasiveness of the evidence placed before the Board in a review of its ultimate decision ... the trial court could not reverse the Board's decision even if the trial court were to conclude that the overwhelming preponderance of the evidence was against the Board's decision. It follows, then, that a decision based on conflicting evidence is not an abuse of discretion. As long as the entirety of the record reveals some evidence of a substantive and probative character supporting the Board's decision, there can be no clear abuse of discretion. In other words, if there is some evidence of substantive and probative character supporting the Board's decision, the trial court did not abuse its discretion by granting motion for summary judgment.”).

support the Variance Request. Such evidence also satisfies case law precedent. Therefore, the Variance Request should be granted, accordingly.

#### **4. MITIGATION EFFORTS**

##### **A. Comments Received from Residents on this Block of Katherine Court**

Throughout the planning and outreach process conducted by the Property Owner for the Project, several comments and concerns have been voiced by a few residents of this block of Katherine Court. These include, among others, design characteristics, density, parking, massing, public interest, safety, crime, noise, traffic, quality of life, quiet enjoyment, and nuisances. Overall, such concerns are overly broad and conclusory and would apply to almost any development, which seemingly appears to be an attempt to govern the specific design details and/or general development in the community. Although most, if not all, of such concerns do not apply to the Variance Request, approval of the Variance Request will indirectly reduce or eliminate the impact of such items compared to the existing use and/or type of project that could be built without requested variances. Notwithstanding the foregoing, some of the concerns are easily addressed, as the proposed density for the Project, essentially, reduces how many residents would reside on the Subject Property (as explained above), thereby, reducing the parking need. As a new development, the Project increases the community's welfare, interest, and safety, increases the community's quality of life, walkability, and sustainability, and encourages growth in the City. The particular design and façade of the Project complement the other varied designs on Katherine Court and throughout the community and, is in fact, the type of Project and design character (e.g. scale, massing, density, and façade) envisioned for the Subject Property, as outlined (and illustrated) in the Comprehensive Plan for such intense MFD Transition Zone near a commercial corridor. Lastly, claims that quiet enjoyment would be disturbed and several nuisances would result from the Project are legal red herrings that are, simply, misused and not applicable to this case. Rather, a project without variances likely creates these nuisances by placing more people, likely college students, on the Subject Property. In no way will the development of the Project interfere with the reasonable use and enjoyment of adjacent or nearby properties, but will, instead, revitalize the community surrounding the Subject Property.

##### **B. Property Owner Communication and Concessions**

The Property Owner has been in communication with the residents on Katherine Court and has tried to resolve concerns regarding the Project. The Property Owner has also offered (as a courtesy and not a requirement) the following concessions: (1) removed studio units; (2) increased ratio of two-bedroom units to thirty-two (32) percent; (3) reduced the number of units from forty (40) to thirty-five (35'); (4) relocated trash receptacles to be located as far from the street and adjacent residences as possible, with screening along the back side of the property line; (5) eliminated a proposed resident dog park; (6) provided a significantly increased building setback on the western side of the Subject Property; and (7) provided for trash to be handled by City solid waste. Such concessions, among other Project components revisions, have been implemented into the current Project plans and is anticipated to remain a part of the Project. However, irrespective

of the Property Owner's mitigation efforts, the Katherine Court opposition has not been reasonable in their continued requests for the Project. In addition, the alternate plan submitted by the neighborhood opposition would restrict the Fire Department's access to the Project in several ways, which would decrease the safety of the Project's residents and residents of the community.

### **C. Focus on Variance Request, Not the Use**

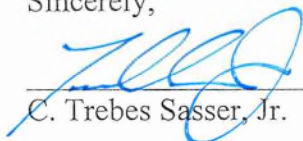
The neighborhood opposition has expressed the aforementioned concerns, which are, mainly, related to the use of the Subject Property (e.g. design characteristics not related to the Variance Request, safety, crime, noise, traffic, quality of life, quiet enjoyment, and nuisances). A multi-family use of the Subject Property is permitted-by-right by the City Code and has already been well established on the Subject Property and in the area (the multifamily district of the City). The current or proposed multi-family use of the Subject Property should not be raised into question or confused with the Variance Request. The Variance Request, for four (4) specific development requirements of the City Code, should be the (narrow) focus of discussion. The City Code and State law expressly provide for the City to grant variances in particular circumstances (*see* Section 2 above). We have provided evidence that satisfies the standards for granting a variance under the City Code and State law, as further described herein.

## **5. CONCLUSION**

The Project is a use permitted-by-right on the Subject Property and is consistent with the type of development contemplated by the City's Comprehensive Plan and City Code for the Subject Property. City Code and State law (as well as case law precedent) authorize variances from municipal zoning requirements under certain circumstances if *some* evidence is provided that the standards for such variance is satisfied. In this case, we are requesting the Variance Request for the Project to allow a variance from four (4) zoning requirements. We have provided evidence substantiating the Variance Request under the provisions of City Code and State law. More specifically, granting the Variance Request will not be contrary to the public interest and, due to the unique, Special Conditions existing on the Subject Property (at no fault of the Property Owner), a literal enforcement of the requirements of the City Code (related to the total number of units and off-street parking spaces for the Project) will result in an unnecessary hardship. Therefore, so that the spirit of the City Comprehensive Plan and the City Code is observed and substantial justice done, we respectfully request that the Honorable Board of Adjustment vote to grant the Variance Request, as it is authorized and justified by City Code, State statute and case law to do so.

If there is any additional information or documentation that we can provide to assist in your review of this Variance Request, please do not hesitate to contact me at 210-593-3125 or via email at: [tsasserjr@rpitx.com](mailto:tsasserjr@rpitx.com).

Sincerely,



C. Trebes Sasser, Jr.

**Enclosures:** As Stated

**CC:**

Honorable Members of the Board of Adjustment, City of Alamo Heights, Texas

Bill Orr, Chair

Lott McIlhenny, Member

Jimmy Satel, Member

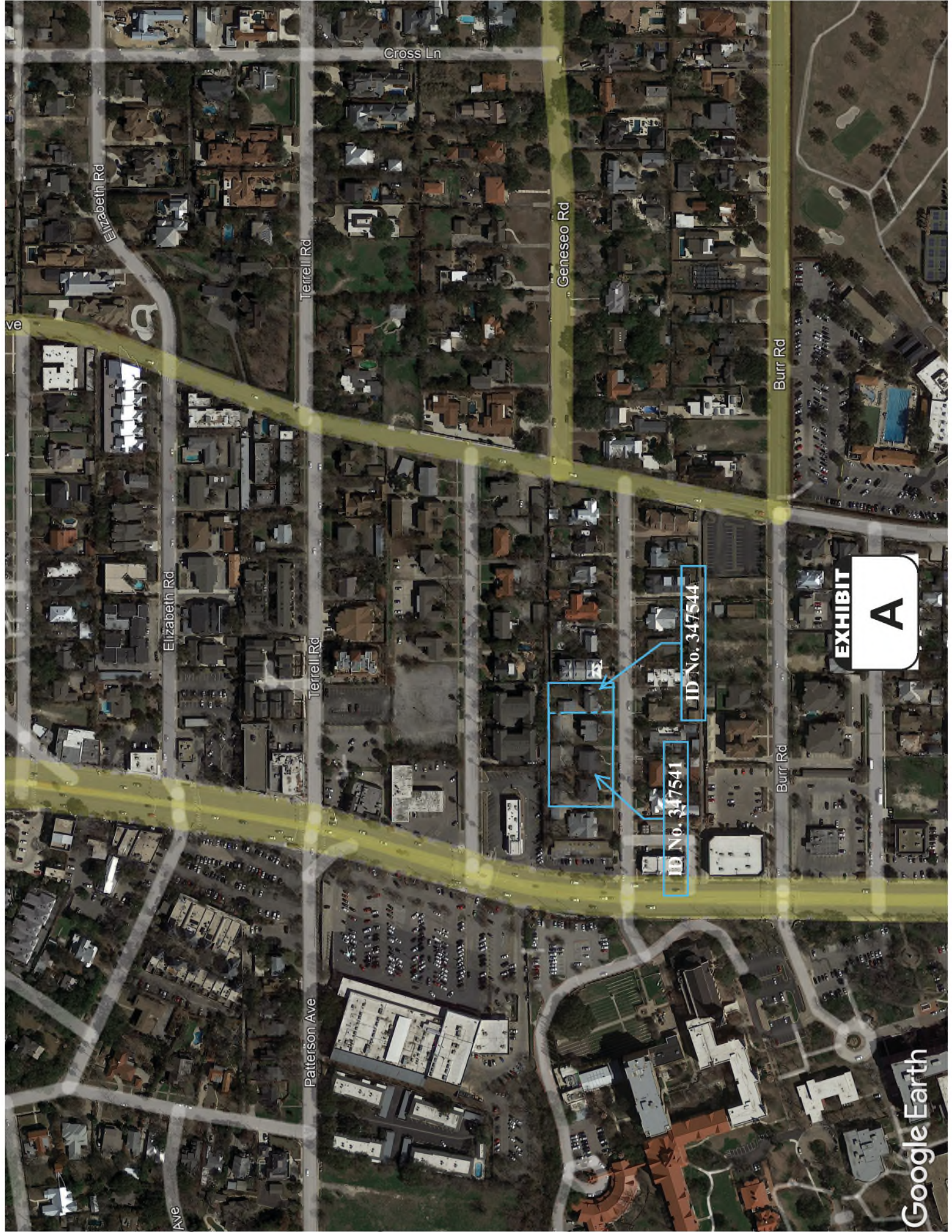
Wayne Woodard, Member

David Rose, Member

Sean Caporaletti, Alternate

Jessica Drought, Alternate

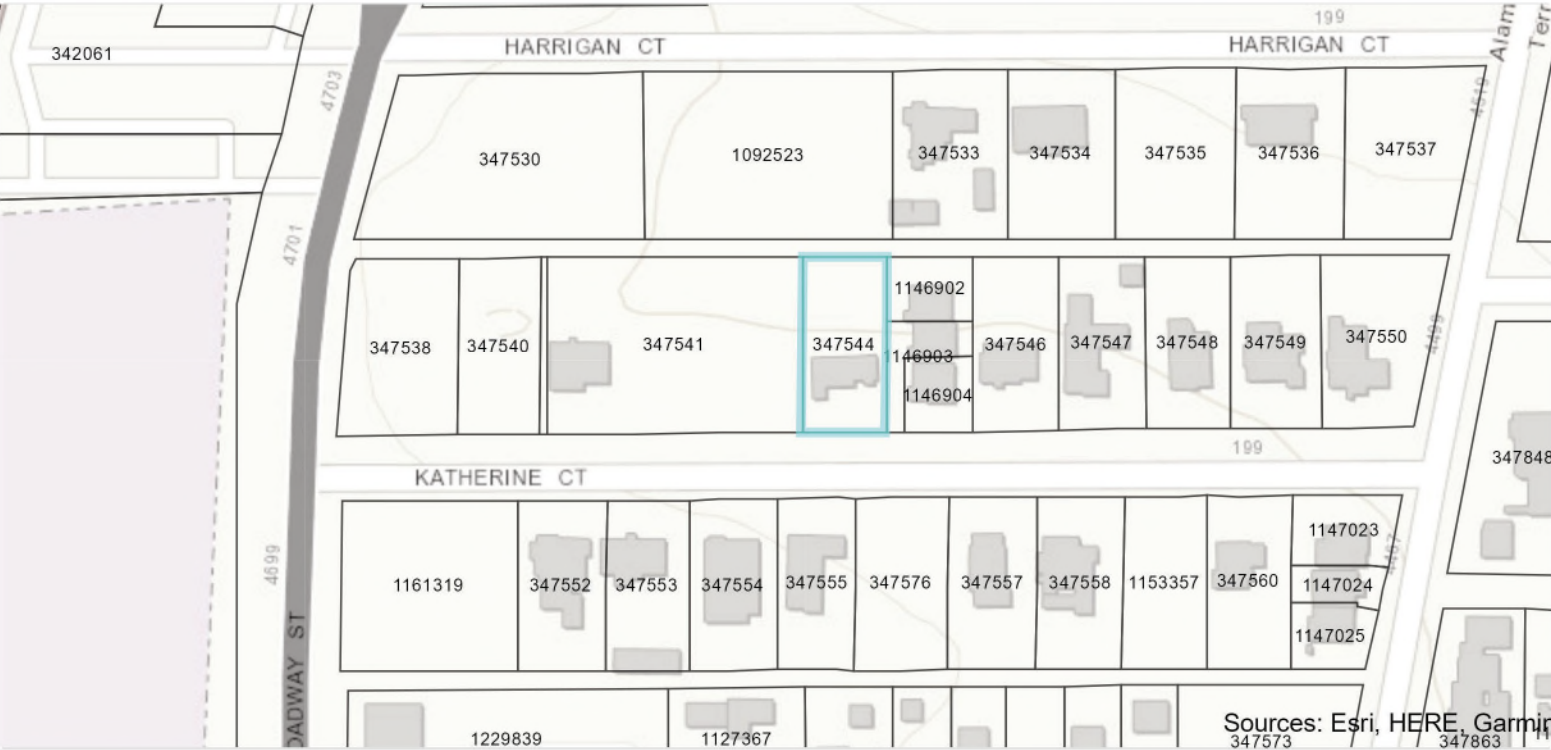




**EXHIBIT**  
**A**



Property Identification #: 347544	Property Information: 2022	Owner Identification #: 127363
Geo ID: 05600-002-0290 Situs 135 KATHERINE CT ALAMO HEIGHTS, Address: TX 78209 Property Type: Real State Code: B1	Legal Description: CB 5600 BLK 2 LOT 29 AND E 1/2 OF 28 Abstract: A05600 Neighborhood: ALAMO HEIGHTS AREA 4(AH) Appraised Value: N/A Jurisdictions: 50, 11, 09, 10, CAD, 08, 22, 06	Name: HARRIGAN LTD Exemptions: DBA: Null



Bexar CAD Map Search

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Bexar County Appraisal District expressly disclaims any and all liability in connection herewith.



Property

Account

Property ID:	347544	Legal Description:	CB 5600 BLK 2 LOT 29 AND E 1/2 OF 28
Geographic ID:	05600-002-0290	Zoning:	OCL
Type:	Real	Agent Code:	2872182
Property Use Code:	001		
Property Use Description:	Single Family		

Protest

Protest Status:	
Informal Date:	
Formal Date:	

Location

Address:	135 KATHERINE CT ALAMO HEIGHTS, TX 78209	Mapsco:	583C6
Neighborhood:	ALAMO HEIGHTS AREA 4(AH)	Map ID:	
Neighborhood CD:	92204		

Owner

Name:	HARRIGAN LTD	Owner ID:	127363
Mailing Address:	200 AUSTIN HWY STE 301 SAN ANTONIO, TX 78209-5722	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$4,270	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$293,730	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
-----			
(=) Market Value:	=	\$298,000	
(-) Ag or Timber Use Value Reduction:	-	\$0	
-----			
(=) Appraised Value:	=	\$298,000	
(-) HS Cap:	-	\$0	

## Taxing Jurisdiction

Owner: HARRIGAN LTD

% Ownership: 100.000000000000%

Total Value: \$298,000

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax		
06	BEXAR CO RD & FLOOD	0.023668	\$298,000	\$298,000	\$70.53		
08	SA RIVER AUTH	0.018580	\$298,000	\$298,000	\$55.37		
09	ALAMO COM COLLEGE	0.149150	\$298,000	\$298,000	\$444.46		
10	UNIV HEALTH SYSTEM	0.276235	\$298,000	\$298,000	\$823.18		
11	BEXAR COUNTY	0.276331	\$298,000	\$298,000	\$823.47		
22	CITY OF ALAMO HEIGHTS	0.404439	\$298,000	\$298,000	\$1,205.23		
50	ALAMO HEIGHTS ISD	1.193400	\$298,000	\$298,000	\$3,556.33		
CAD	BEXAR APPRAISAL DISTRICT	0.000000	\$298,000	\$298,000	\$0.00		
	Total Tax Rate:	2.341803					
				Taxes w/Current Exemptions:	\$6,978.57		
				Taxes w/o Exemptions:	\$6,978.57		

## Improvement / Building

Improvement #1:	Multi Family 2-4 Units	State Code:	B1	Living Area:	2484.0 sqft	Value: \$4,270
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
LA	Living Area	A - WS		1929	1462.0
OP	Attached Open Porch	A - NO		1929	36.0
OP	Attached Open Porch	A - NO		1929	60.0
OP2	Attached 2nd story porch	A - NO		1929	45.0
LA2	Living Area 2nd Level	A - WS		1929	1022.0

Improvement #2:	Residential	State Code:	B1	Living Area:	sqft	Value:	\$0
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
GAR	Detached Garage	A - WS		1985	624.0

Improvement #3:	Residential	State Code:	B1	Living Area:	sqft	Value:	\$0
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
CPT	Detached Carport	A - NO		1985	312.0

## Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	RDX	R/M Fam Not farm Duplex	0.2583	11250.00	75.00	150.00	\$293,730	\$0

## Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2022	N/A	N/A	N/A	N/A	N/A	N/A
2021	\$4,270	\$293,730	0	298,000	\$0	\$298,000
2020	\$4,270	\$293,730	0	298,000	\$0	\$298,000
2019	\$31,270	\$293,730	0	325,000	\$0	\$325,000
2018	\$31,270	\$293,730	0	325,000	\$0	\$325,000

## Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	2/10/2014	Deed	Deed	BUCKLEY CHARLES F & MARGARET	HARRIGAN LTD	16547	886	20140021781

**2022 data current as of Dec 14 2021 1:19AM.**

**2021 and prior year data current as of Dec 3 2021 6:20AM**

**For property information, contact (210) 242-2432 or (210) 224-8511 or email.**

**For website information, contact (210) 242-2500.**

Presidio Title GF#1-131129

**WARRANTY DEED WITH VENDOR'S LIEN****Date:** February 10, 2014**Grantor:** CHARLES F. BUCKLEY**Grantor's Mailing Address:**P.O. Box 526948  
MIAMI, FL 33132**Grantee:** HARRIGAN, LTD., a Texas limited partnership**Grantee's Mailing Address:**5701 Broadway, Ste 200  
San Antonio, Texas 78209

**Consideration:** Cash and a note of even date executed by Grantee, payable to the order of **SECURITY STATE BANK**, a Texas bank (the "Lender") in the principal amount of **Five Hundred Ninety Thousand and No/100ths Dollars (\$590,000.00)**. The note is secured by a vendor's lien retained and transferred to Lender in this deed and by a deed of trust of even date from Grantee to **MIKE WILSON**, Trustee for Lender.

**Property (including any improvements):**

The East one-half of Lot 28 and all of Lot 29, Block 2, Country Club Heights Addition, in the City of Alamo Heights, Bexar County, Texas, according to plat thereof recorded in Volume 368, Page 359, Deed and Plat Records of Bexar County, Texas.

**Reservations from Conveyance:** None


**Exceptions to Conveyance and Warranty:** All and singular any liens described herein, ad valorem taxes for the current and all subsequent years, zoning ordinances, utility district assessments and standby fees, if any, applicable to and enforceable against the Property, and all valid utility easements created by the dedication deed or plat of the subdivision in which the Property is located, covenants and restrictions common to the platted subdivision in which the Property is located, maintenance assessment liens, if any, applicable to and enforceable against the Property as shown by the records of the County Clerk of the County in which said real property is located, and any statutory water rights, or the rights or interests of the State of Texas or the public generally in any waters, tidelands, beaches and streams being situated in proximity to the Property.

Grantor, for the Consideration and subject to the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Exceptions to Conveyance and Warranty.



The vendor's lien against and superior title to the Property are retained and transferred, without recourse, to Lender until each note described is fully paid according to its terms, at which time this deed will become absolute.

When the context requires, singular nouns and pronouns include the plural.

  
FD# B240-66365-268-0  
CHARLES F. BUCKLEY, BY AND THRU HIS  
AGENT AND ATTORNEY IN FACT, PATRICK C.  
BUCKLEY

THE STATE OF FLORIDA §  
COUNTY OF Miami Dade §

This instrument was acknowledged before me this 10 day of February, 2014, by PATRICK C. BUCKLEY, AGENT AND ATTORNEY IN FACT FOR CHARLES F. BUCKLEY.

  
Notary Public, State of Florida

AFTER RECORDING, RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





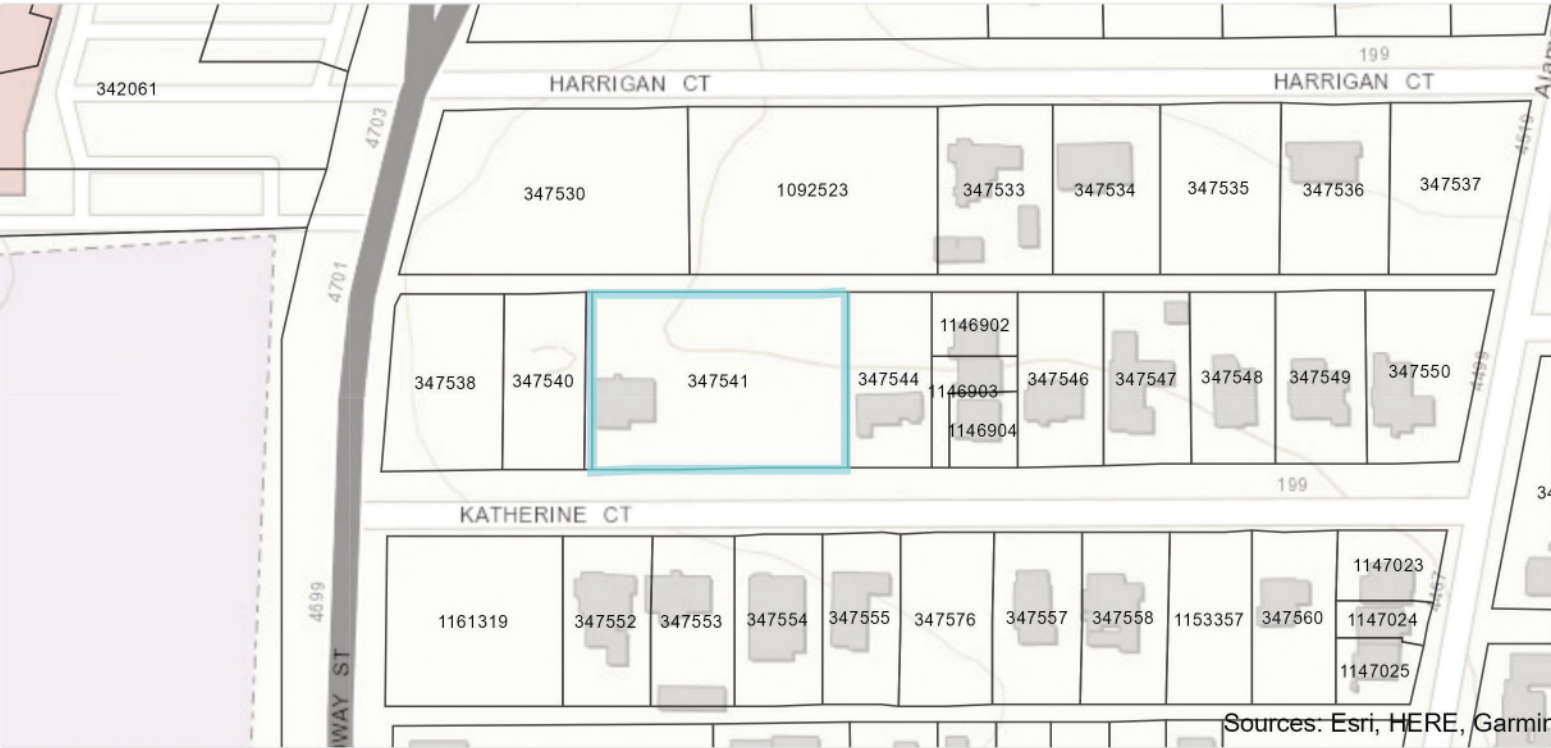
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02/11/2014 4:10PM  
e-Filed & e-Recorded in the  
Official Public Records of  
BEXAR COUNTY  
GERARD C. RICKHOFF  
COUNTY CLERK  
Fees \$30.00

STATE OF TEXAS  
COUNTY OF BEXAR  
This is to Certify that this document  
was e-FILED and e-RECORDED in the Official  
Public Records of Bexar County, Texas  
on this date and time stamped thereon.  
02/11/2014 4:10PM  
COUNTY CLERK, BEXAR COUNTY TEXAS



*Gerard C. Rickhoff*

<b>Property Identification #:</b> 347541	<b>Property Information:</b> 2022	<b>Owner Identification #:</b> 2384471
<b>Geo ID:</b> 05600-002-0240 <b>Situs:</b> 111 KATHERINE CT ALAMO HEIGHTS, <b>Address:</b> TX 78209 <b>Property Type:</b> Real <b>State Code:</b> B2	<b>Legal Description:</b> CB 5600 BLK 2 LOT 24A, 25-27 & W 1/2 OF 28 <b>Abstract:</b> A05600 <b>Neighborhood:</b> NBHD code11470 <b>Appraised Value:</b> N/A <b>Jurisdictions:</b> 50, 10, 06, 09, 11, 08, CAD, 22	<b>Name:</b> HARRIGAN COURT LTD <b>Exemptions:</b> <b>DBA:</b> KATHERINE COURT (12 UNITS)



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Property Search > 347541 HARRIGAN COURT LTD for

Tax Year: 2022 - Values not available

Year 2022

Property

Account

Property ID:	347541	Legal Description:	CB 5600 BLK 2 LOT 24A, 25-27 & W 1/2 OF 28
Geographic ID:	05600-002-0240	Zoning:	OCL
Type:	Real	Agent Code:	2872182
Property Use Code:	810		
Property Use Description:	SMALL APARTMENTS		

Protest

Protest Status:  
Informal Date:  
Formal Date:

Location

Address:	111 KATHERINE CT ALAMO HEIGHTS, TX 78209	Mapsco:	583C6
Neighborhood:	NBHD code11470	Map ID:	
Neighborhood CD:	11470		

Owner

Name:	HARRIGAN COURT LTD	Owner ID:	2384471
Mailing Address:	200 AUSTIN HWY STE 301 SAN ANTONIO, TX 78209-5722	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
-----			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
-----			
(=) Appraised Value:	=	N/A	

Property Search > 347541 HARRIGAN COURT LTD for

Tax Year: 2022 - Values not available

Year 2022

Property

Account

Property ID:	347541	Legal Description:	CB 5600 BLK 2 LOT 24A, 25-27 & W 1/2 OF 28
Geographic ID:	05600-002-0240	Zoning:	OCL
Type:	Real	Agent Code:	2872182
Property Use Code:	810		
Property Use Description:	SMALL APARTMENTS		

Protest

Protest Status:  
Informal Date:  
Formal Date:

Location

Address:	111 KATHERINE CT ALAMO HEIGHTS, TX 78209	Mapsco:	583C6
Neighborhood:	NBHD code11470	Map ID:	
Neighborhood CD:	11470		

Owner

Name:	HARRIGAN COURT LTD	Owner ID:	2384471
Mailing Address:	200 AUSTIN HWY STE 301 SAN ANTONIO, TX 78209-5722	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
-----			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
-----			
(=) Appraised Value:	=	N/A	

(-) HS Cap: - N/A

(=) Assessed Value: = N/A

Taxing Jurisdiction

Owner: HARRIGAN COURT LTD

% Ownership: 100.000000000000%

Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax		
06	BEXAR CO RD & FLOOD	N/A	N/A	N/A	N/A		
08	SA RIVER AUTH	N/A	N/A	N/A	N/A		
09	ALAMO COM COLLEGE	N/A	N/A	N/A	N/A		
10	UNIV HEALTH SYSTEM	N/A	N/A	N/A	N/A		
11	BEXAR COUNTY	N/A	N/A	N/A	N/A		
22	CITY OF ALAMO HEIGHTS	N/A	N/A	N/A	N/A		
50	ALAMO HEIGHTS ISD	N/A	N/A	N/A	N/A		
CAD	BEXAR APPRAISAL DISTRICT	N/A	N/A	N/A	N/A		
Total Tax Rate:		N/A					
Taxes w/Current Exemptions:					N/A		
Taxes w/o Exemptions:					N/A		

Improvement / Building

Improvement #1:	Multi Family 2-4 Units	State Code:	B2	Living Area:	3744.0 sqft	Value:	N/A
-----------------	------------------------	-------------	----	--------------	-------------	--------	-----

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
LA	Living Area	A - SB		1942	1872.0
OP	Attached Open Porch	A - NO		1942	180.0
LA2	Living Area 2nd Level	A - SB		1942	1872.0
OP	Attached Open Porch	A - NO		1942	24.0

Improvement #2:	Commercial	State Code:	B2	Living Area:	sqft	Value:	N/A
-----------------	------------	-------------	----	--------------	------	--------	-----

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
CPT	Detached Carport	A - NO		1980	900.0

Improvement #3:	Commercial	State Code:	B2	Living Area:	sqft	Value:	N/A
-----------------	------------	-------------	----	--------------	------	--------	-----

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
SH1	Shed (1 side open)	A - NO		1980	200.0

Improvement #4:	Multi Family 2-4 Units	State Code:	B2	Living Area:	3916.0 sqft	Value:	N/A
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
LA	Living Area	G - BW		1947	2236.0
UTL	Attached Utility	G - NO		1947	18.0
UTL	Attached Utility	G - NO		1947	18.0
OP2	Attached 2nd story porch	G - NO		1947	104.0
OP	Attached Open Porch	G - NO		1947	104.0
LA2	Living Area 2nd Level	G - BW		1947	1680.0
OP	Attached Open Porch	G - NO		1947	104.0

**Improvement #5:** Commercial State Code: B2 Living Area: sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
CPT	Detached Carport	A - NO		0	1700.0

**Improvement #6:** Commercial State Code: B2 Living Area: 3858.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
800	MULTIPLE RESIDENCE	D - A	BR	1965	3858.0

**Improvement #7:** Commercial State Code: B2 Living Area: sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
CPT	Detached Carport	* - A		0	972.0

**Improvement #8:** Commercial State Code: B2 Living Area: sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
ASP	Asphalt	* - A		0	750.0

**Improvement #9:** Commercial State Code: B2 Living Area: sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
CON	Concrete	* - A		0	972.0

**Improvement #10:** Commercial State Code: B2 Living Area: sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
EQS	Equipment Shed	D - A		0	50.0

## Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	CMF	Commercial Multi Family	0.7634	33253.70	0.00	0.00	N/A	N/A



Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2022	N/A	N/A	N/A	N/A	N/A	N/A
2021	\$354,150	\$620,850	0	975,000	\$0	\$975,000
2020	\$389,150	\$620,850	0	1,010,000	\$0	\$1,010,000
2019	\$393,110	\$602,890	0	996,000	\$0	\$996,000
2018	\$410,730	\$585,270	0	996,000	\$0	\$996,000

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	8/31/2004	SWD	Special Warranty Deed	RIPPLE ALFRED L & LUCILLE	HARRIGAN COURT LTD	12753	0315	20070062095
2	8/31/2004	SWD	Special Warranty Deed	RIPPLE ALFRED L & LUCILLE	HARRIGAN COURT LTD	10961	0125	20040207274
3		Deed	Deed		RIPPLE, ALFRED L & LUCILLE	4180	1877	0

2022 data current as of Dec 14 2021 1:19AM.

2021 and prior year data current as of Dec 3 2021 6:20AM

For property information, contact (210) 242-2432 or (210) 224-8511 or email.

For website information, contact (210) 242-2500.

This year is not certified and ALL values will be represented with "N/A".

BY  
TITLE

PRESIDIO TITLE

041000 8899/120

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN**

**Date:** August 31, 2004

**Grantors:** Maria E. Farmer, Guardian of the Estate of Alfred L. Ripple  
P.O. Box 886  
Adkins, Bexar County, Texas 78101

Kevin P. Kennedy, Temporary Administrator of the Estate  
of Lucille Ripple, Deceased

1920 Nacogdoches Road, Suite 100  
San Antonio, Bexar County,  
Texas 78209

**Grantee:** Harrigan ~~County~~ Ltd.

**Grantee's Mailing Address:** 5701 Broadway, Suite 200  
San Antonio, Bexar County, Texas 78209

**Consideration:**

TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration and a note of even date herewith executed by Grantee payable to the order of The Bank of Alice ("Lender") in the amount of ONE MILLION, SEVEN HUNDRED FORTY-SIX AND AND NO/100 DOLLARS (\$1,746,000.00), said note being secured by vendor's lien retained in favor of Lender in this deed and also secured by a deed of trust of even date from Grantee to Travis Burris, Trustee.

**Property:**

The East 46.66 feet of Lot 24, Lot 25, Lot 26, Lot 27 and the West 1/2 of Lot 28, Block 2, COUNTRY CLUB HEIGHTS, in the City of Alamo Heights, Bexar County, Texas, according to plat thereof recorded in Volume 368, Page(s) 359, Deed and Plat Records of Bexar County, Texas.



CERTIFICATE  
This page to which this certificate is  
affixed in a full, true and correct copy  
of the original on file and of record in  
my office. ATTESTED: 3-15-07  
GERRY RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS  
BY: quo Deputy



**Reservations from and Exceptions  
to Conveyance and Warranty:**

This conveyance is made subject to any and all easements, conditions, and/or restrictions of record.

Maria E. Farmer, Guardian of the Estate of Alfred L. Ripple, pursuant to the Order of Sale of Real Property, entered July 12, 2004 and the Decree Confirming Sale of Real Property, entered July 23, 2004 by Probate Court No. 1 of Bexar County, Texas, under Cause No. 2004 PC 0735, and Kevin P. Kennedy, Temporary Administrator of the Estate of Lucille Ripple, Deceased, pursuant to the Order of Sale of Real Property, entered, May 18, 2004, and the Decree Confirming Sale of Real Property, entered July 17, 2004, by Probate Court No. 1 of Bexar County, Texas, under Cause No. 97 PC 2765, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, GRANT, SELL and CONVEY to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold it to Grantee, Grantee's successors and assigns forever.

Grantor, Maria E. Farmer, Guardian of the Estate of Alfred L. Ripple, hereby binds said Estate and its successors and assigns, to warrant and forever defend all and singular the property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty. Grantor, Kevin P. Kennedy, administrator of the Estate of Lucille Ripple, conveys the property to Grantee without express or implied warranty, and all warranties that might arise by common law and the warranties in §5.023 of the Texas Property Code (or its successors) are excluded.

**SPECIAL PROVISION: WITHOUT LIMITING OR MODIFYING THE FOREGOING WARRANTY OF TITLE, GRANTORS MAKE NO WARRANTIES OR REPRESENTATIONS, ORAL OR WRITTEN, EXPRESS OR IMPLIED, CONCERNING THE CONDITION OR VALUE OR PROFITABILITY OF THE PROPERTY HEREIN DESCRIBED, OR THE IMPROVEMENTS LOCATED THEREON, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF HABITABILITY, MERCHANTABILITY OR FITNESS FOR ANY PURPOSE. GRANTEE HAS CAREFULLY INSPECTED THE PREMISES (OR HAS BEEN AFFORDED A REASONABLE OPPORTUNITY TO DO SO) AND, BY THE ACCEPTANCE OF THIS DEED, ACCEPTS THE PROPERTY "AS IS" AND "WHERE IS," IN ITS PRESENT CONDITION AND SUBJECT TO ALL LATENT AND PATENT FAULTS AND DEFECTS, INCLUDING, BUT NOT LIMITED TO, ALL DEFECTS IN MATERIALS, WORKMANSHIP, OR DESIGN.**

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

**CERTIFICATE**

This page to which this certificate is affixed in a full, true and correct copy of the original on file and of record in my office. ATTESTED: 3-15-07



GERRY RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS  
BY: [Signature] Date: 3-15-07

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this the 31 day of August, 2004.

Maria E. Farmer

Maria E. Farmer, Guardian of the Estate of  
Alfred L. Ripple

K. P. Kennedy

Kevin P. Kennedy, Temporary Administrator  
of the Estate of Lucille Ripple, Deceased

AGREED AND ACCEPTED:

By: C. Trebes Sasser

C. Trebes Sasser, President, Ridgemont Properties,  
Inc., General Partner of Harrigan Court, Ltd.

STATE OF TEXAS

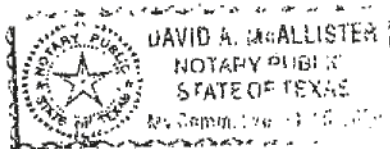
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COUNTY OF BEXAR

§

This instrument was acknowledged before me on the 15<sup>th</sup> day of September, 2004, by Maria E. Farmer, Guardian of the Estate of Alfred L. Ripple.



David A. McAllister  
Notary Public, State of Texas

CERTIFICATE  
This page to which this certificate is  
affixed in a full, true and correct copy  
of the original on file and of record in  
my office. ATTESTED: 3-15-07  
GERRY RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS  
BY: Gerry Rickhoff Deputy



STATE OF TEXAS

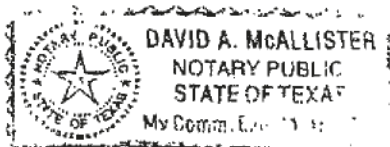
§

COUNTY OF BEXAR

§

§

This instrument was acknowledged before me on the 1<sup>st</sup> day of September, 2004, by Kevin P. Kennedy, Temporary Administrator of the Estate of Lucille Ripple, Deceased.



David A. McAllister  
Notary Public, State of Texas

STATE OF TEXAS

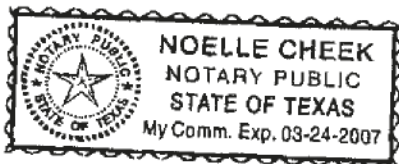
§

COUNTY OF BEXAR

§

§

This instrument was acknowledged before me by C. Trebes Sasser, President of Ridgemont Properties, Inc., General Partner of Harrigan Court, Ltd., on behalf of said limited partnership.



Noelle Cheek  
Notary Public, State of Texas

Doc# 20040207274 Fees: \$20.00  
09/07/2004 4:56PM # Pages 4  
Filed & Recorded in the Official Public  
Records of BEXAR COUNTY  
GERRY RICKHOFF COUNTY CLERK

After recording  
return to:

Harrigan Court, Ltd.  
C. Trebes Sasser  
5701 Broadway, Suite 200  
San Antonio, Texas 78209

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law  
STATE OF TEXAS, COUNTY OF BEXAR  
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

SEP 07 2004

CERTIFICATE

This page to which this certificate is affixed in a full, true and correct copy of the original on file and of record in my office. ATTESTED: 3-15-07



GERRY RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS  
BY Grip Deputy



Gerry Rickhoff  
COUNTY CLERK BEXAR COUNTY, TEXAS



Gerry Rickhoff

COUNTY CLERK



BEXAR COUNTY

BEXAR COUNTY COURT HOUSE  
100 DOLOROSA  
SAN ANTONIO, TEXAS 78205-3083

C E R T I F I C A T E

STATE OF TEXAS §

COUNTY OF BEXAR §

I, GERRY RICKHOFF, COUNTY CLERK OF BEXAR COUNTY, TEXAS,  
DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT  
COPY OF THE OFFICIAL PUBLIC RECORD OF REAL PROPERTY OF BEXAR  
COUNTY, TEXAS, NOW IN MY LAWFUL CUSTODY AND POSSESSION AS  
SAME APPEARS OF RECORD FILED IN:

VOLUME 10961 PAGE 125

IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL  
OF OFFICE GIVEN IN THE CITY OF SAN ANTONIO, COUNTY OF BEXAR,  
STATE OF TEXAS, ON THIS 15<sup>th</sup> DAY OF March A.D., 2007.



GERRY RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS

Jennifer R. Lee  
DEPUTY COUNTY CLERK

Doc# 20070062095  
# Pages 6  
03/16/2007 12:06:09 PM  
e-Filed & e-Recorded in the  
Official Public Records of  
BEXAR COUNTY  
GERRY RICKHOFF COUNTY CLERK  
  
Fees 32.00

STATE OF TEXAS  
COUNTY OF BEXAR  
This is to Certify that this document  
was e-FILED and e-RECORDED in the Official  
Public Records of Bexar County, Texas  
on this date and time stamped thereon.  
03/16/2007 12:06:09 PM  
COUNTY CLERK, BEXAR COUNTY TEXAS



*Gerry Rickhoff*



**Sec. 3-42. - Lot area.**

The minimum lot area in the MF-D shall be in accordance with the following, and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth herein:

- (1) *One-family dwelling detached:* Seven thousand five hundred (7,500) square feet.
- (2) *Two-family dwelling:* Nine thousand (9,000) square feet.
- (3) *One-family dwelling attached:* Three thousand seven hundred fifty (3,750) square feet. (The required lot area for the initial and final unit of one-family dwelling attached structures is three thousand seven hundred fifty (3,750) square feet for each unit. Each of the remaining (interior) units shall require a lot area equal to at least two thousand two hundred fifty (2,250) square feet per unit. This does not avoid the necessity to meet other requirements of the Zoning Code and other codes and ordinances).
- (4) *Multiple family dwelling up to thirty-five (35) feet:* Nine thousand (9,000) square feet for first four (4) units plus one thousand five hundred (1,500) square feet for each added unit.
- (5) *Multiple family dwelling over thirty-five (35) feet:* Twelve thousand (12,000) square feet for first ten (10) units plus six hundred (600) square feet for each added unit.

( Ord. No. 2037, 11-9-15)



**Sec. 3-49. - Required off-street parking.**

Off-street parking shall hereafter be provided on each lot or tract upon which a building is erected or upon a contiguous lot or tract, and no building or structure or part thereof, shall be hereafter erected, altered, converted or enlarged for any permitted use in the district in which it is located unless off-street parking facilities are provided in accordance with the following:

- (1) Parking must be located in the rear or side of the property, behind the front face of the building.
- (2) Parking areas located on the side of a structure or adjacent to public rights-of-way shall be screened via a three-foot fence or screening wall.
- (3) Properties shall provide off-street parking in accordance with the following:
  - a. For the first one (1) to twenty (20) units, two (2) parking spaces for each dwelling.
  - b. For each additional units, over twenty (20), one and one-half (1.5) spaces shall be provided.
- (4) Surface parking areas shall be developed in accordance with the following:
  - a. A landscape area shall be provided along all parking area boundaries with a minimum width of eight (8) feet. Breaks in the landscaping areas may be allowed for vehicular, pedestrian, and emergency services access.
  - b. One (1), four-inch caliper tree, per eight (8) parking spaces shall be provided. Parking lot trees shall adhere to the following standards:
    - i. The planting area for each tree, whether located at an edge of the parking areas or designed as an interior island or median between parking modules, shall be no less than six (6) feet across in any horizontal direction.
    - ii. All planting areas shall have permeable surfaces and be planted with locally appropriate species as identified in sections 3-50 and 5-152, which may include shrubs, groundcovers, or grasses. If a planting area is used as part of a biological stormwater treatment system, pursuant to an approved drainage plan, groundcovers shall be selected that are appropriate to that function.
- (5) Parking structures shall not be considered accessory structures and shall be developed in accordance with the following:
  - a. *Ground level parking structures.* Ground level parking located under an elevated building shall be screened from public street rights-of-way and any abutting residentially zoned property.
    - i. Screening shall consist of vegetative screening, except at points of ingress and egress. Such screening may consist of shrubs, trees, and vines to form a continuous and solid visual screen, within one (1) year of planting. Such screening shall not be required





where a parking structure is wrapped with liner buildings that accommodate active uses other than parking.

- b. *Upper level parking structures.* Each level of a parking structure above the ground level shall be designed to include screening along any facade that is not visually screened by an intervening building or structure from public view.
  - i. Such screening shall consist of architectural and/or landscape elements that are at least three (3) feet six (6) inches in height, as measured from the floor of the level, to provide a continuous and solid visual screen that blocks headlight glare from vehicles parked within the structure.

( Ord. No. 2037, 11-9-15)

Sec. 3-50. - Landscaping, screening, sidewalks, and lighting.

Any property within the MF-D is required to conform with section 3-88, landscaping regulations, in addition to the following:

- (1) An eight-foot wide landscape area must be provided along the rear property line. The landscaping must be contiguous with the entire length of the property line, except where interrupted by a drive to an alley.
- (2) Corner lots: A minimum eight-foot wide landscape area shall be provided along each side yard property line bordering a street. Landscaping within a triangular area formed by intersecting street lines shall comply with the requirements of sections 16-71 through 16-77 of the Code of Ordinances.
- (3) Double frontage lots: The front yards of a double frontage lot shall be landscaped. For these lots both street frontages shall be considered front yards.
- (4) Lots or tracts of land without buildings and used primarily for parking: The front yard of a lot or tract of land without buildings and used primarily for parking shall have a landscape area located along its entire length with a minimum width of twenty (20) feet. Each rear and side yard of such lots or tracts of land shall have a landscape area located along its entire length with a minimum width of eight (8) feet.
- (5) Canopy street trees shall be planted at regular intervals, within the public street rights-of-way. There shall be at least one (1) tree planted for each twenty-five (25) feet of lot frontage, or portion thereof. Minor variations from the twenty five (25) feet spacing requirements are permitted to avoid conflicts with driveway locations and accommodate other design considerations.
  - a. Allowable street trees shall be of the species identified in section 5-152 and must be a minimum size of four-inch caliper at planting. For trees located under overhead utilities, property owners may install tree species identified as allowable trees according to CPS Energy. The spacing requirements between trees shall be in accordance with the recommended spacing based on the type of tree planted.
  - b. Street trees shall be maintained to provide a clear canopy zone free of limbs, from ground level to eight (8) feet above ground level, for visibility and to avoid potential hazards to pedestrians and vehicles. Additional ground clearance may be required to accommodate emergency response vehicles.
- (6) Planting strips shall be provided for street trees within the public street right-of-way adjacent to curbs and be a minimum of five (5) feet in width. The minimum width may be adjusted based on existing conditions.
- (7) Sidewalks of no less than five (5) feet in width shall be installed according to ADA standards, located within the public street right-of-way along all street frontages, and adjacent to property lines. Sidewalks locations (adjacent to property lines) may be modified in order to preserve existing trees or natural terrain. Should the sidewalk encroach onto private property, a public access easement shall be provided.
- (8) Properties located on Broadway, south of Albany, shall be developed in accordance with the following additional regulations:
  - a. Corner lots: A landscape area shall be provided along each corner side yard property line bordering a street. The width of the landscape area shall be equal to the setback limits of the proposed structure. Landscaping within a triangular area formed by intersecting street lines shall comply with the requirements of sections 16-71 through 16-77 of the Code of Ordinances.
  - b. Street trees shall be installed in accordance with section 3-50(5) above and be installed in tree openings with minimum dimensions of five (5) feet by eight (8) feet in the dimension parallel to the curb.



- c. Sidewalks shall be installed in accordance with section 3-50(7) above, except that the minimum width shall be ten (10) feet.
- (9) Planting standards. All plantings in satisfaction of this section shall comply with the standards of this subsection:
- a. Native and adaptive species are preferred in order to promote reduced water use and increased drought resistance.
    - i. The architectural review board may approve other species of plants as part of their review process.
  - b. Undesirable species. No proposed landscape material shall appear on the Invasive and Noxious Weeds list for the State of Texas promulgated by the United States Department of Agriculture, nor on the Texas Noxious Weed List promulgated by the Texas Department of Agriculture.
  - c. Shrubs used for screening shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height.
  - d. Planting within city rights-of-way shall meet any applicable standards, to protect underground and overhead utilities, streets and sidewalks, drainage improvements, street lighting, sight distances, and the visibility of traffic control devices.
  - e. Replacement of required landscaping that is dead or otherwise no longer meets the standards of this section shall occur within sixty (60) days of notification by the city. Replacement material shall be of similar character and quality as the dead or removed landscaping. Failure to replace in a timely manner in accordance with this subsection shall constitute a violation of these regulations.
  - f. All landscape areas on properties with multi-family buildings\*\*\* shall be watered with drip irrigation systems in order to ensure continuous healthy plant growth and development while conserving water. Landscape irrigation systems shall be separately metered from building water uses.
- (10) Property screening requirements. Where the property line of a multi-family district is adjacent to a single-family zoned district, an opaque wall or fence of eight (8) feet in height shall be erected separating the rear and/or side.
- a. When a screening fence is required by this subsection, but where the property line abuts a single-family residential district and street rights-of-way, the screening fence shall have a max height of three (3) feet.
- (11) Trash receptacles screening. All trash receptacles shall be visually screened from an abutting public street right-of-way and from adjacent property by means of a fence or wall.
- a. All trash receptacles shall be located at least ten (10) feet from an adjacent lot in a residentially zoned district.
  - b. Enclosure shall extend at least one (1) foot above the container top.
  - c. Dumpsters and garbage bins shall be located behind principal buildings relative to public street frontage whenever practical, and such trash receptacles shall also be accessible from alleys or vehicular access points where available and practical.
  - d. Where site constraints and access make rear yard locations infeasible, containers may be placed in unobtrusive locations in side yards with appropriate screening.
  - e. Openings into enclosures shall be positioned so that view of the containers from the street right-of-way is eliminated.

- f. Containers shall be located in such a manner that they can be serviced by a refuse hauling vehicle without such vehicle encroaching on or interfering with the public use of streets or sidewalks, and without such vehicle backing out of the property onto public right-of-way.

Containers shall be placed on a paved surface of either concrete or asphalt.

- (12) Outdoor lighting or devices installed on the exterior of structures shall use "full cut-off" fixtures, low-output bulbs, shields, or other methods to reduce light trespass, glare, and light pollution, and to encourage energy conservation.

( [Ord. No. 2037](#), 11-9-15)

Sec. 3-84. - Special parking regulations.

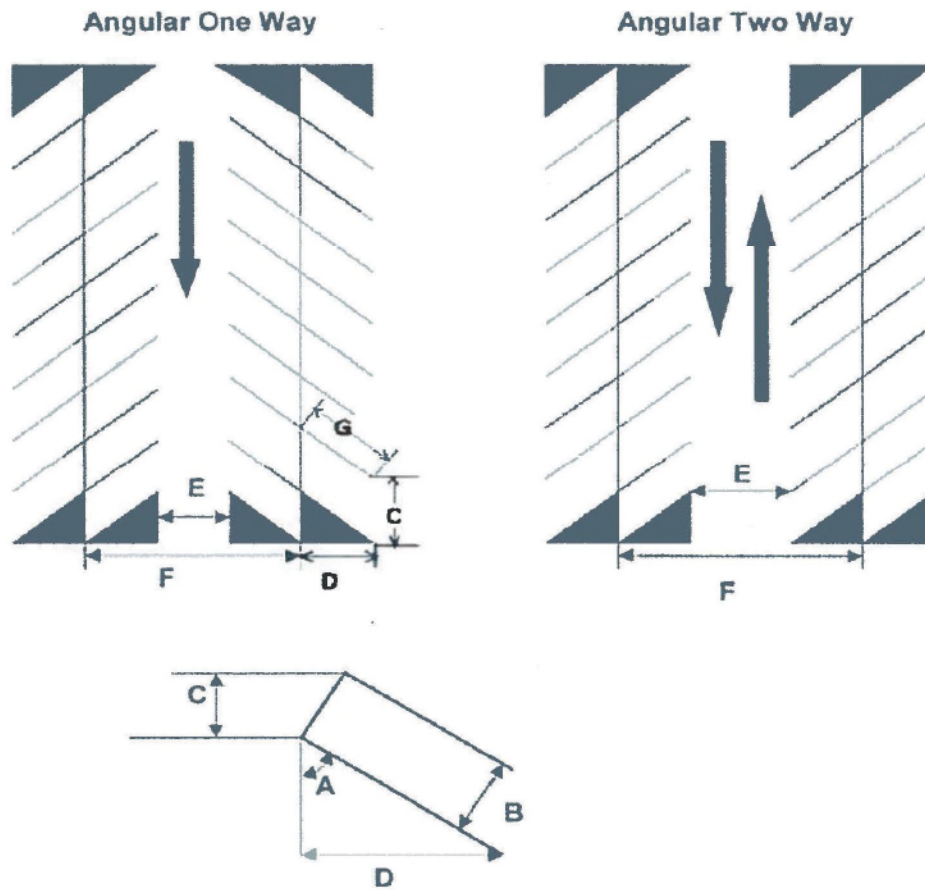
- (1) Minimum off-street parking requirements for the hereafter specified non-residential uses are as follows:
- (a) Bowling alley: Six (6) spaces for each lane or alley;
  - (b) Churches, theatres or places of public assembly: One (1) space for each three (3) seats in the main sanctuary;
  - (c) Hospitals: One (1) space for each patient bed provided;
  - (d) Hotel or motel: One (1) space for each room or guest unit;
  - (e) Offices, clinics, retail and business uses: One (1) space for each three hundred (300) square feet of gross floor area in the building;
  - (f) Restaurant or cafeteria: One (1) space for every one hundred (100) gross square feet of area;
  - (g) Schools or colleges: Two (2) spaces for each classroom, plus one (1) space for each four (4) seats in any auditorium, gymnasium or other place of assembly.
- (2) A parking space shall be defined as an all-weather-surfaced area not located in any public rights-of-way, together with an all-weather-surfaced driveway connecting the area with a street or alley and permitting free ingress and egress thereto. All-weather-surfaces includes asphalt, concrete, flagstone, brick pavers, concrete pavers and similar materials. Any parking adjacent to a public street wherein the maneuvering is done on the public street shall not be classified as off-street parking in computing the parking area requirements for any use. Approval of a ratio of compact spaces to be provided in lieu of standard spaces.

(a) Parking stall dimensions shall be based on the following:

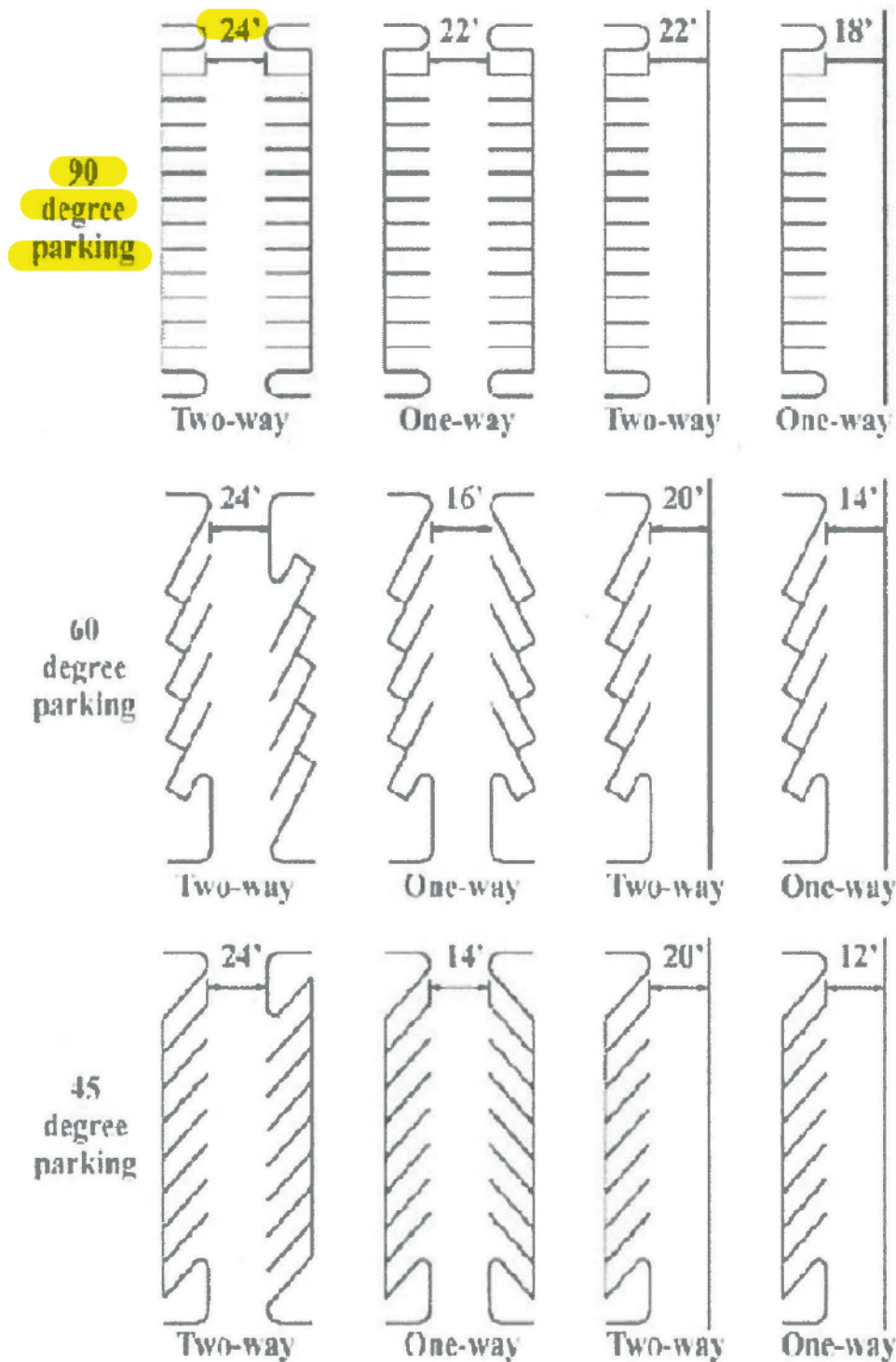
ANGLE	DIMENSIONS				ONE WAY TRAFFIC		TWO WAY TRAFFIC	
Parking Angle	Stall Width (ft)	Curb Length (ft)	Stall Depth (ft)	Stripe Length (ft)	Aisle Width (ft)	Section Width (ft)	Aisle Width (ft)	Section Width (ft)
A	B	C	D	G	E	F	E	F
30°	9	17	16.4	32.7	12	44.7	24	56.7
45°	9	12	18.7	26.5	14	51.4	24	61.4
60°	9	9.8	19.8	22.9	16	55.6	24	63.6
90°	9	8.5	18	18	22	58	24	60







(b) Drive aisle dimensions shall be based on the following:



- (3) Whenever any lot is used for off-street parking purposes incidental to any lawful use of property, the parking area and all access drives shall be surfaced with all-weather-surfaces, and the surface shall be maintained in good repair and free of debris, trash or other similar material or dirt.
- (4) Any light used to illuminate a parking area shall be so arranged as not to be directed into any adjacent residential uses or residential districts.

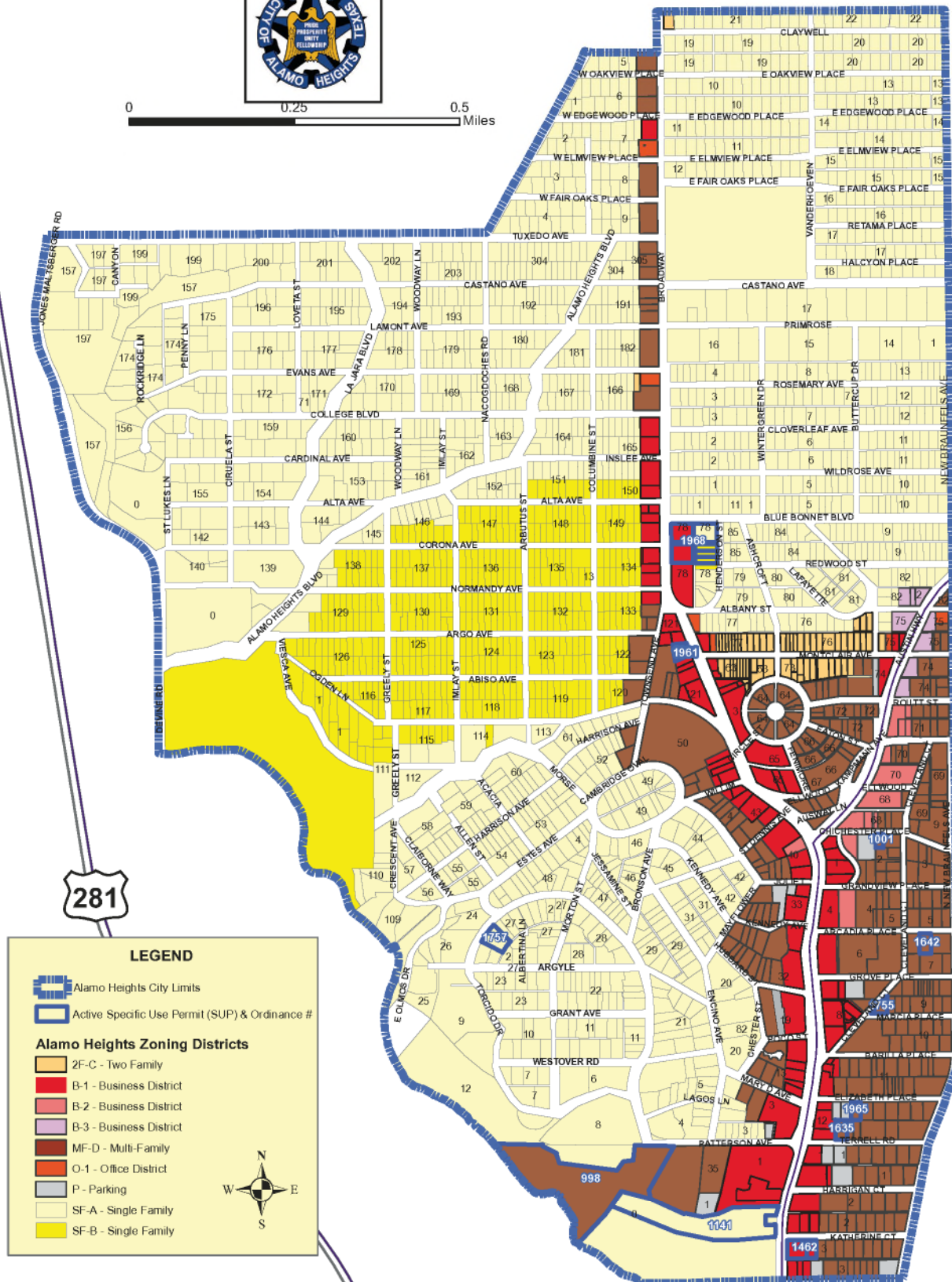
- (5) In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in a development.
- (6) All retail and commercial structures shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent or from a public alley or private service drive. Such space may be located in a drive or access isles provided that the flow in and out of the facility are not restricted by its placement and not located in a dedicated or marked fire lane.
- (7) Areas utilized for storage, mechanical rooms, restrooms, or other non-occupied spaces may be calculated using a ratio of one (1) space per space every seven hundred fifty (750) gross square feet.
- (8) A reduction in the required number of off-street parking spaces may be authorized by the city council, after a recommendation from the architectural review board, as part of the final design review process.
  - (a) Any reduction in the number of off-street parking spaces shall be subject to a "parking mitigation fee" in the amount of twenty thousand dollars (\$20,000.00) per space. Such fees shall be utilized to construct additional off-street parking, parking garages, or other project, intended to increase the number of parking spaces in the city to off-set the loss of the required spaces.
- (9) For parking areas located adjacent to Broadway there shall be no storage of trailers, recreational vehicles, delivery/service vehicles, boats, all-terrain vehicles or any vehicles which are displayed as "for sale", in such areas. Company service will be allowed to park in front (along Broadway if no rear parking is available. Vehicles associated with a business located on the property shall be located to the rear of the property, behind the building, as to limit its visibility from Broadway.

(Ord. No. 1920, 1-23-12; [Ord. No. 2065](#), 12-12-16; [Ord. No. 2075](#), Exh. A, 4-24-17)

# CITY OF ALAMO HEIGHTS



0 0.25 0.5 Miles























ST ELMER STREET, SAN ANTONIO, TX 78210  
P: 210.843.3177 E: info@creo-consultants.com  
WWW.CREO-CONSULTANTS.COM

11101 CREO DRIVE, SUITE 100, SAN ANTONIO, TX 78210

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SCALE: 1" = 10'

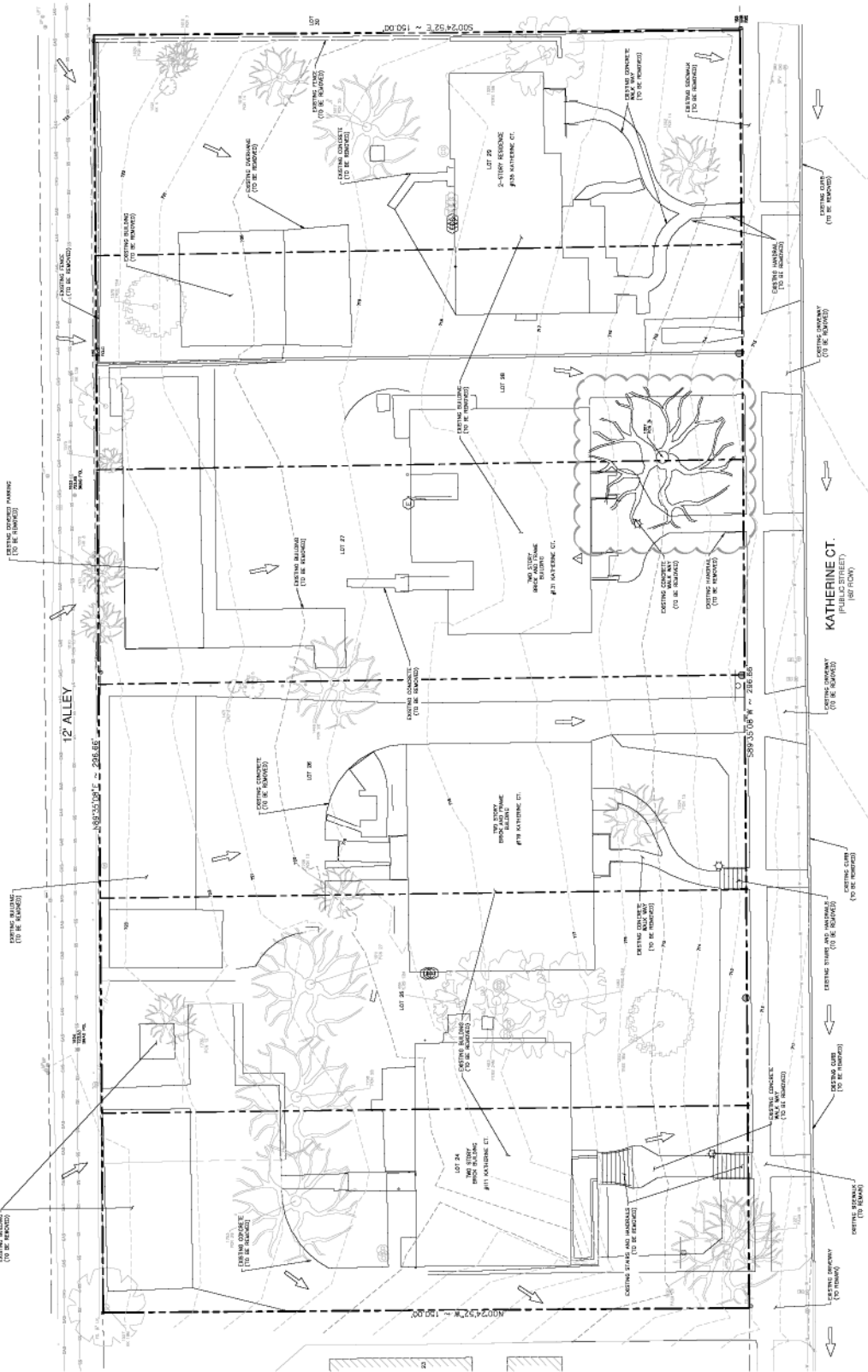
LEGEND

PROPERTY LINE

EXISTING FENCE

EXISTING CONCRETE

EXISTING FLOOR ANCHOR



PAPE-DAWSON  
ENGINEERS

DEMOLITION PLAN

PROJECT: 42100

1846 SAN ANTONIO, 1846 SAN ANTONIO, 1846 SAN ANTONIO

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CITY REVIEW SET

SHEET C0.40













CREO  
RE/CREATE

1515 10th Street, Suite 200, San Antonio, TX 78203  
P: 210.843.3777 E: info@creoarch.com  
WWW.CREOARCH.COM

ARCHITECT: CREO ARCHITECTS, L.P.

DATE: 01/11/2024

PROJECT: KATHERINE CT. MULTI-FAMILY

REVISION: 01/11/2024

DESIGNED BY: KAT

CHECKED BY: KAT

DATE: 01/11/2024

PROJECT: KATHERINE CT. MULTI-FAMILY

REVISION: 01/11/2024

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PROJECT: KATHERINE CT. MULTI-FAMILY

REVISION: 01/11/2024

DESIGNED BY: KAT

CHECKED BY: KAT

DATE: 01/11/2024

PROJECT: KATHERINE CT. MULTI-FAMILY

- FLOOR PLAN GENERAL NOTES
1. EXISTING AND PROPOSED AREAS ARE SHOWN IN GREEN. EXISTING AREAS ARE SHOWN IN GREY. PROPOSED AREAS ARE SHOWN IN WHITE.
  2. EXISTING AND PROPOSED AREAS ARE SHOWN IN GREEN. EXISTING AREAS ARE SHOWN IN GREY. PROPOSED AREAS ARE SHOWN IN WHITE.
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  10. EXISTING AND PROPOSED AREAS ARE SHOWN IN GREEN. EXISTING AREAS ARE SHOWN IN GREY. PROPOSED AREAS ARE SHOWN IN WHITE.

Area Schedule (Rear) LEVEL 2			Area Schedule (Portable)		
Level	Name	Area	Level	Area	
LEVEL 2	100	147 SF	LEVEL 1	1022 SF	
LEVEL 2	100	144 SF	LEVEL 2	1022 SF	
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6150 Main Street, Suite 200, San Antonio, TX 78203  
P: 210.843.3777 E: info@creoarch.com  
www.creoarch.com

ARCHITECT: CREO ARCHITECTS, P.C.  
PROJECT: KATHERINE CT. MULTI-FAMILY  
SHEET: A114

DATE: 11/15/23  
DRAWN BY: J. GARCIA  
CHECKED BY: J. GARCIA  
DATE: 11/15/23

PROJECT: KATHERINE CT. MULTI-FAMILY  
SHEET: A114

PROJECT: KATHERINE CT. MULTI-FAMILY  
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PROJECT: KATHERINE CT. MULTI-FAMILY  
SHEET: A114

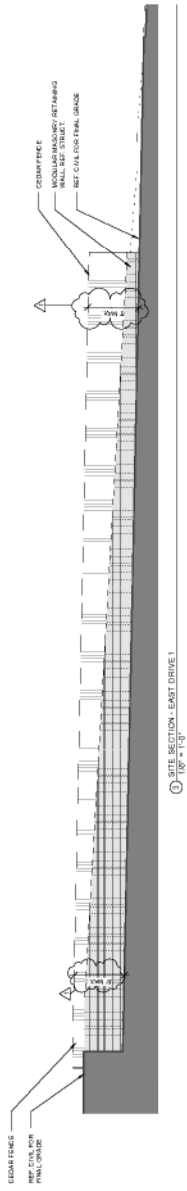
PROJECT: KATHERINE CT. MULTI-FAMILY  
SHEET: A114

PROJECT: KATHERINE CT. MULTI-FAMILY  
SHEET: A114

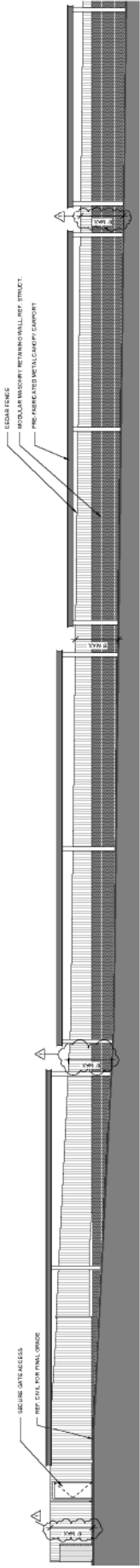
PROJECT: KATHERINE CT. MULTI-FAMILY  
SHEET: A114

PROJECT: KATHERINE CT. MULTI-FAMILY  
SHEET: A114

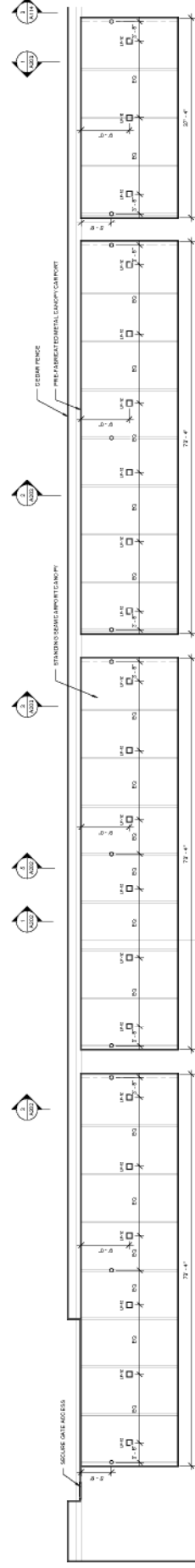
PROJECT: KATHERINE CT. MULTI-FAMILY  
SHEET: A114



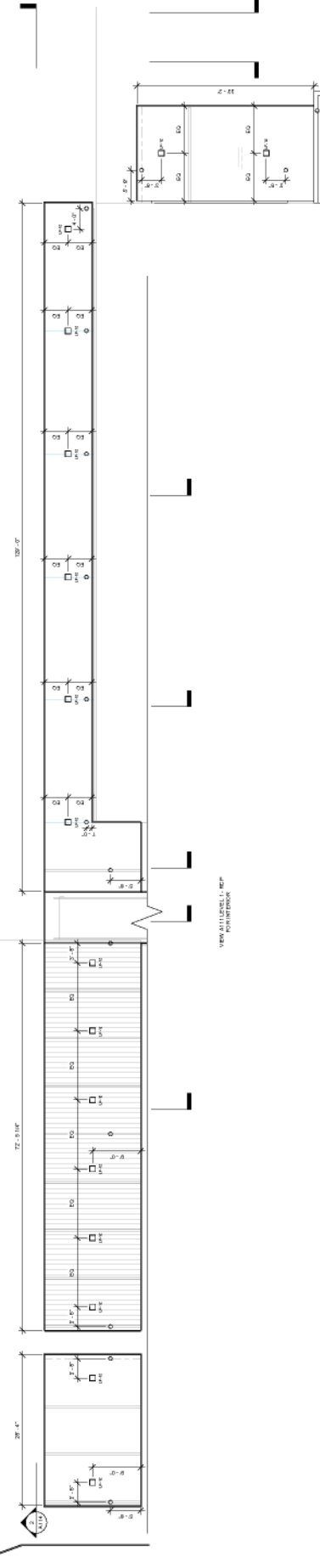
1. SITE SECTION - EAST DRIVE 1  
1/8" = 1'-0"



2. SITE SECTION - PARKING LOT  
1/8" = 1'-0"



1. LEVEL SITE LIGHTING EOP  
1/8" = 1'-0"



1. LEVEL SITE LIGHTING EOP  
1/8" = 1'-0"

PRELIMINARY  
NOT FOR CONSTRUCTION

No.	DATE	DESCRIPTION
1	11/15/23	ISSUED FOR PERMIT
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SITE WALLS AND SITE  
RCP

PROJECT: KATHERINE CT. MULTI-FAMILY  
SHEET: A114

PROJECT: KATHERINE CT. MULTI-FAMILY  
SHEET: A114

PROJECT: KATHERINE CT. MULTI-FAMILY  
SHEET: A114

PROJECT: KATHERINE CT. MULTI-FAMILY  
SHEET: A114



SHEET	A201
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KATHERINE CT.  
MULTI-FAMILY

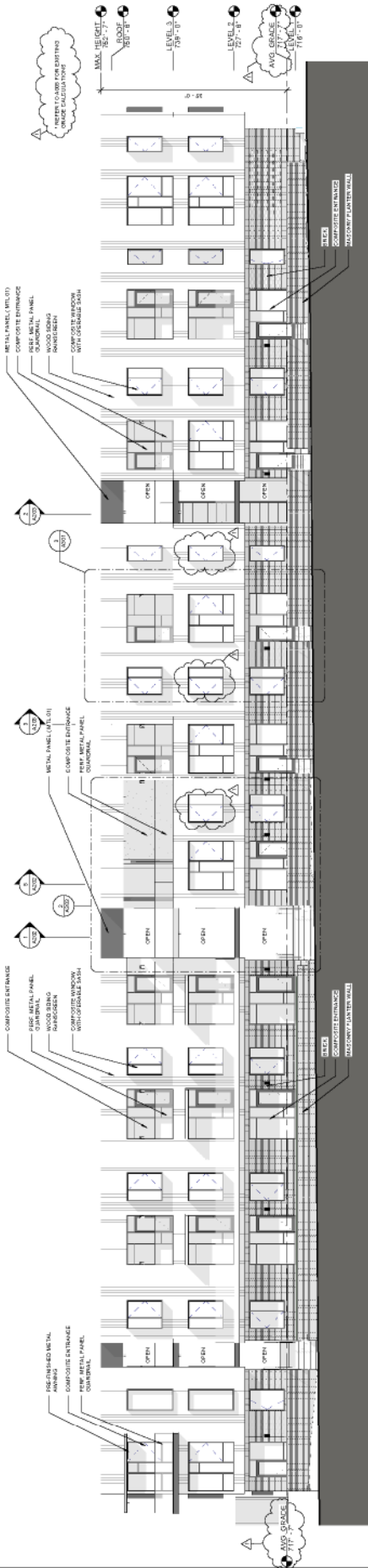
PRELIMINARY  
NOT FOR CONSTRUCTION[illegible]

## ELEVATIONS

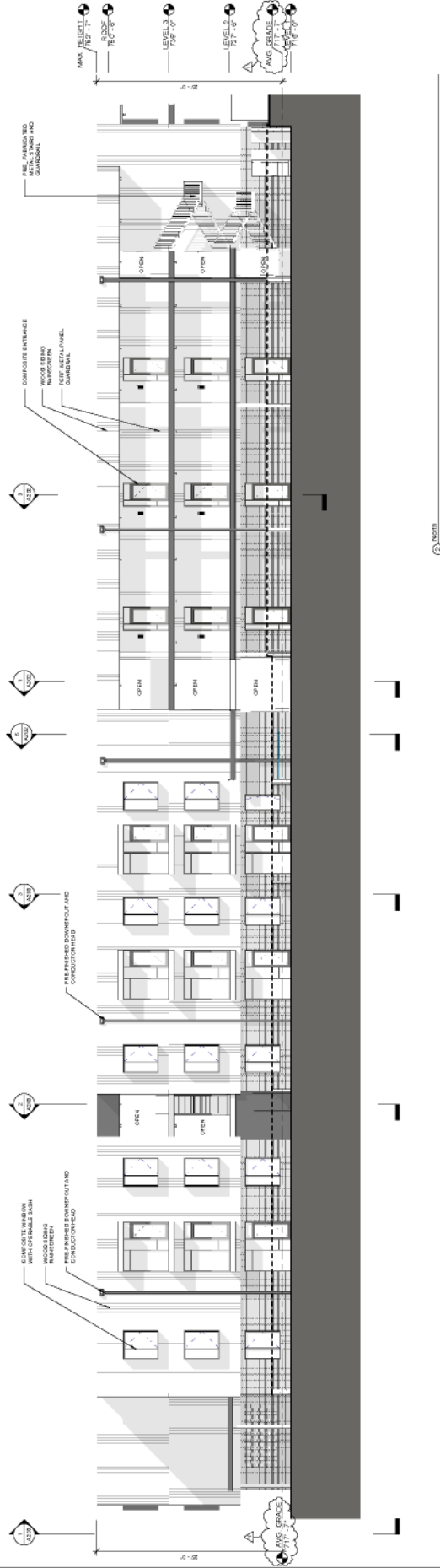
TEST INFO
PROJECT: 90102

DRAWN BY: Author  
CHECKED BY: Checker

SHEET	A201
-------	------



① South  
 $1.00'' = 1'-0''$



North  
1/8" = 1' 0"

SHEET	A201
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